



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.24374 of 2019

WEB COPY

P.Ganesan

... Petitioner

Vs.

The Managing Director,
Sivagangai District Co-operative Milk Producers Union Ltd,
Kalanivasal,
Karaikudi.

...Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay the superannuation fund by calculating the petitioner's length of service based on the Labour Court, Madurai award passed in I.D.No.41/2006 by continuity of service also and to pay pension under the Employees pension scheme 1995 and the Tamil Nadu Milk Producer Federation Limited / Sivagangai District Milk Cooperative Producers Union Ltd., Employees Ex-Gratia Pension Regulations, 2016, based on the petitioner's representation, dt.08/08/2019.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondent : Mr.V.O.S.Kalaiselvam

ORDER

The relief sought for in the present writ petition is to direct the respondent to pay the superannuation fund by calculating the petitioner's length of service, based on the Labour Court, Madurai, award passed in I.D.No.41/2006.

2.The learned counsel for the respondent made a submission that the Management has already calculated the amount and paid more than a sum of Rs.12 lakhs. If at all the award has not been implemented in entirety, the petitioner is at liberty to file an execution petition under the provision of the Industrial Disputes Act. When the execution petition is contemplated under the Industrial Disputes Act, the writ petition need not be entertained.



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3.With these observations, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Managing Director,
Sivagangai District Co-operative Milk Producers Union Ltd,
Kalanivasal,
Karaikudi.

+1 CC to M/s.V.O.S. KALAISELVAN, Advocate (SR-22188[F] dated
28/04/2022)

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RD(01.06.2022) 2P 3C