



W.P.No.12835 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12835 of 2012

D.Manohararajulu

... Petitioner

Vs.

- 1.The Commissioner/Managing Director
Tamilnau Cooperative Milk Producers'
Federation Limited,
Madhavaram Milk Colony,
Madhavaram,
Chennai 600 051
- 2.The General Manager,
Erode District Cooperative Milk Producers'
Union Ltd (Ed: 296)
Vasavi College Post 638 316
Erode Taluk, Erode District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the second respondent to pay the interest on the belated payment of pensionary benefits given to the petitioner which ought to have been settled on 31.10.2009 with 18% interest under GO.Ms.No.122 dated 20.02.1995.

For Petitioner : Mr.S.Ajapanateswaran
for Mr.A.R.Nixon



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For Respondents

For R1 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For R2 : Mrs.P.Rajalakshmi

ORDER

This writ petition has been filed for direction to the second respondent to pay the interest on the belated payment of pensionary benefits given to the petitioner as per GO.Ms.No.122 dated 20.02.1995.

2. The petitioner was retired from service on 31.10.2009. However, his terminal benefits were settled belatedly. Therefore, the petitioner is seeking interest as per GO.Ms.No.122 dated 20.02.1995 for the belated payment of pensionary benefits as well as DCRG amount.

3. The petitioner was originally appointed as Electrician and joined duty in the erstwhile Tamilnadu Cooperative Milk Producers Federation Limited, Vellore. Subsequently, he was selected and appointed as Junior Engineer and posted to Periyar District Cooperative Societies Milk Producers' Union, Erode as per the proceedings dated



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13.03.1982. Subsequently, he was promoted to the post of Assistant Manager (Engineering) by the proceedings dated 26.07.1991. Due to attainment of superannuation of his age, he was retired from service on 31.10.2009. However, his retirement benefits payable to him was ordered to be withheld till the settlement of audit objections pending against the petitioner. The petitioner filed writ petition before the court in WP.No.13254 of 2010. This Court directed the first respondent to pass appropriate order on the basis of the resolution dated 26.03.2010 within a period of six weeks from the date of receipt of the order and after completion of 6 weeks, within two weeks therefrom the terminal benefits of the petitioner shall be released by the second respondent. In pursuant to the order passed by the court, the second respondent released earned leave encashment, gratuity and special PFGS amount.

4. There was an audit defect against the petitioner while he was working at Cattle Feed Plant between 1982-1983 to 1989-1990 to the tune of Rs.34,05,201.80/-. Further, when he was working as Senior General Manager during the year 1999-2000, there was audit defect



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amounting to Rs.8,677.70/-. Even before his superannuation, it was served to the petitioner on 31.08.2009 and instructed to rectify the said audit defects. However, the petitioner did not take any steps to rectify the said audit defects. Thereafter, the subject was placed before the Audit Review Committee and resolved to place it before the General Body seeking permission of the Commissioner for Milk Production and Diary Development. The proposals were sent to revoke the loss of the Cattle Feed Plant and Powder of the union to the tune of Rs.34,13,879.50/-. However, by the proceedings dated 23.09.2011 by the General Manager of Erode District Cooperative Milk Producers' Union Limited, ordered to right off the said production loss. Thereafter, the terminal benefits were settled to the petitioner as follows:

<i>S. No</i>	<i>Description</i>	<i>Amount in Rs.</i>	<i>Cheque Details</i>
1	Employees Provident Fund 90%	2,50,000.00	Bank of Baroda cheque No.013171 dt 05.02.2009
2	Employees Provident Fund 10%	46,093.25	Bank of Baroda cheque No.500335 dt 18.02.2010
3	Encashment of EL and UEL on PA	3,39,005.00	Bank of Baroda cheque No.513647 dt 12.08.2011
4	Gratuity	3,50,000.00	Bank of Baroda cheque No.515614 dt 22.09.2011
5	Spl.PFGS	26,800.00	Bank of Baroda cheque No.578357 dt 23.05.2012



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5. As such, the petitioner is not entitled for interest as claimed in this writ petition for the belated payment. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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- 2.The General Manager,
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3. The Government Advocate,
High Court, Madras.

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