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W.P.No.7349 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.7349 of 2023 &

WMP.No.7469 of 2023

A.Sairam

... Petitioner

Vs

1. The Secretary,
Animal Husbandry, Dairying & Fisheries Dept.,
Government of Tamilnadu,
Fort St. George, Chennai – 600 009.
2. The Commissioner of Milk Production & Diary Development,
Madhavaram Milk Colony, Madhavaram, Chennai – 600 051.
3. The General Manager,
Dharmapuri District Co-operative Milk Producers Union,
Salem Bypass Road, Krishnagiri – 635 002. ... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent leading to the issue of Ref.na.ka.2315/virpanai 3/2015 dated 10.03.2016 and quash the same as it denies the due



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terminal benefit to the petitioner and direct the respondents to release the illegally withheld amount of Rs.1,35,588.50 [out of Rs.1,82,195/- less refunded amount of Rs.46,606.50] together with interest as admissible compounded cumulatively with effect from 01.02.2016 till the date of actual payment, to him which he had earned during 36 years of loyal service under the third respondent.

For Petitioner : Mr.Nagasubramanian

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader – R1 & R2

Mr.I.John Arockiadas – R3

ORDER

This Writ Petition has been filed to quash the proceedings of the third respondent dated 10.03.2016 as it denies the due terminal benefit to the petitioner and direct the respondents to release the illegally withheld amount of Rs.1,35,588.50 [out of Rs.1,82,195/- less refunded amount of Rs.46,606.50] together with interest as admissible compounded cumulatively with effect from 01.02.2016 till the date of actual payment, to him which he had earned during 36 years of loyal service under the



2. The grievance of the writ petitioner is that a sum of Rs.1,82,195/- has been with held by the respondents. In this regard the petitioner has given a representation to the respondents and the same has not considered by them. Hence, seeks a direction to the respondent to release a sum of Rs.1,82,195/- together with interest from 01.02.2016.

2. The learned Additional Government Pleader appearing for the respondents submitted that they have decided to deduct 25% of the amount and they are ready to release the balance amount, viz., Rs.1,35,588.50 and the resolution passed in this regard has also been placed before this Court. Their only difficulty is that the said decision has to be approved by the Committee. However, the Committee has not been formed after the change of Government.

3. The learned counsel appearing for the petitioner also seeks to release a sum of Rs.1,35,588.50. When the petitioner seeks to release a



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sum of Rs.1,35,588.50 and the respondent also has no objection to release the amount and passed a resolution in this regard, the third respondent need not wait for formal approval of the Committee which has not been formed. Hence, the third respondent is directed to release the sum of Rs.1,35,588.50 within a period of 15 days from the date of receipt of a copy of this Order.

4. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

31.07.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

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Fort St. George, Chennai – 600 009.



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2. The Commissioner of Milk Production & Diary Development,
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N.SATHISH KUMAR, J.

VTC

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