



WEB COPY



W.P.No.26550 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26550 of 2011

L.Vanaja

.. Petitioner

VS

1.The Chief Executive Officer,
Tamilnadu Khadi And Village Industries,
Kuralagam, Chennai-600 108.

2.The General Manager,
Tamilnadu Khadi and Village Industries,
Kuralagam, Chennai-600 108.

3.The Assistant Director,
Tamil Nadu Khadi and Village Industries,
Kanchipuram.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to pay the remaining service benefits of Rs.74,399/- to the petitioner.

For the Petitioner : Mr.V.Manisekaran

For the Respondents : Mr.S.K.Bose



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ORDER

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This writ petition is filed for a mandamus directing the respondents to pay part of the service benefits i.e. a sum of Rs.74,399/-, withheld by the respondents.

2. The case of the petitioner is that she joined the service in the year 1964 and retired from service by opting out under voluntary retirement scheme with effect from 30.4.2000. Since the entire dues liable to be paid to her were not settled, the petitioner has earlier approached this Court by way of W.P.No.5211 of 2006. By an order dated 15.03.2007, the writ petition was allowed and the respondents were directed to settle the pensionary dues of the petitioner within a period of four weeks from the date of receipt of the copy of the order. After the said order, even though certain amounts were settled, a sum of Rs.74,399/- was withheld. Therefore, the present writ petition is filed.

3. The contention of the respondents is that in view of the audit objection, the said amount was withheld.



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4. This Court specifically directed learned counsel for the respondents to verify whether at all any order of recovery has been passed in respect of the same.

5. Today when the matter came up for hearing, learned counsel for the respondents submitted that no order of recovery has been passed against the petitioner. Firstly, when the earlier writ petition was filed, no such audit objection was placed before the Court to withhold the sum of Rs.74,399/-. Secondly, even if the respondents want to recover the said sum, a valid order of recovery from the retiral benefits has to be passed in accordance with law. When no such exercise has been undertaken, the respondents, on their own, cannot withhold the amount without fixing the responsibility on the petitioner. In that view of the matter, the writ petition deserves to be allowed.

6. Accordingly, the writ petition is allowed on the following terms:

- (i) The respondents are directed to pay the sum of Rs.74,399/- (Rupees Seventy Four Thousand Three-



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Hundred and Ninety-Nine only) to the petitioner within a period of three months from the date of receipt of a copy of this order.

(ii) If the said sum is not settled within the period stipulated above, the same shall carry interest at the rate of 9% per annum from the date on which the amount became due till the date of disbursal.

(iii) There will be no order as to costs.

(iv) Consequently, M.P.No.1 of 2011 is closed.

29.11.2023

Index : Yes
Neutral Citation : No
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To

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D.BHARATHA CHAKRAVARTHY,J.

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