



W.P.No.34126 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34126 of 2012
and M.P.No.1 of 2012

S.Reginald Abraham

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Represented by the Secretary Handlooms and Handicrafts,
Fort St.George,
Chennai – 600 009.

2. The Director of Handlooms and Textiles,
II Floor, Kuralagam,
Chennai – 600 108.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to settle the entire retirement benefit and other dues to the petitioner with interest at 18% per annum as per the order passed by this Hon'ble Court in W.P.13015 of 2011 dated 30.06.2010.

For Petitioner : No appearance
For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER



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This Writ Petition has been filed for direction directing the second respondent to settle the entire retirement benefits and other dues to the petitioner with the interest at the rate of 18 percent per annum as directed by this Court in W.P.No.13015 of 2011 dated 30.06.2010.

2. There is no representation on behalf of the petitioner. Heard the learned Special Government Pleader appearing for the respondents.

3. The petitioner had joined in the service of the second respondent on 02.02.1976. He was posted to various Co-operative Mills and while he was posted as an Administrator of the Kanchipuram Kamatchi Amman Co-operative Spinning Mills, all those mills in the Co-Operative Sector run by the Government were closed. When he was working as an Administrator in the Kanchipuram Kamatchi Amman Co-operative Spinning Mills, certain allegations were made against the petitioner alleging irregularities in the purchase of Cotton. In pursuant to the said allegation, the petitioner was served with a charge memo dated 29.11.1996. After enquiry, the Enquiry Officer found not guilty of any charges framed against the petitioner. However, the disciplinary



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authority, i.e, the second respondent passed an order dated 28.04.1999, thereby imposed punishment of stoppage of increment for a period of three months without cumulative effect.

4. Aggrieved by the same, the petitioner preferred an appeal and the same was also rejected. It was challenged by way of a writ petition before this Court in W.P.No.5078 of 2000 and this Court disposed of the writ petition with a direction to furnish the copy of the order dated 23.07.1999. Thereafter, the petitioner was relived on reaching his age of superannuation. However, he was not paid Earned Leave salary, Compulsory wait period salary, P.F., TTA., Car allowance, Medical reimbursement, increments, Gas connection charges, gratuity etc. Therefore, the petitioner filed a representation and filed a writ petition before this Court in W.P.No.13015 of 2001, to settle his entire benefits. However, the said order has not been complied with, despite of making several representations. Therefore, the petitioner was constrained to file a contempt petition in Cont.P.No.2001 of 2011. After payment of some amount, Contempt Petition was closed, with liberty to the petitioner to workout his remedy for the disputed amount in the manner known to



5. Once again, the petition filed this Writ Petition seeking a direction directing the second respondent to settle the entire dues, as per the order passed by this Court in W.P.No.13015 of 2011 dated 30.06.2010. Once the petitioner filed a Contempt Petition and the same was closed with liberty to work out his remedy in the manner known to law for the disputed amount, the petitioner cannot file another writ petition to implement the very same order passed by this Court.

6. That apart, on perusal of the counter filed by the second respondent revealed that the petitioner is not a Government employee and he is an employee of another institution, namely, Co-operative Spinning Mills and the same has become defunct on 14.01.1999 and the Handloom Officer was appointed as an Official Liquidator by the proceedings dated 24.11.2012. The petitioner failed to claim his benefits if any, from the Liquidator. That apart, the petitioner was directed to submit his Employees Provident Fund Code Number for implementing Provident Fund dues to the Employees Provident Fund Department by



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the Administrator of Villupuram District Co-operative Spinning Mills and even then, the petitioner failed to furnish his Employees Provident Fund Code Number.

7. Therefore, the direction sought for in this Writ Petition cannot be considered and this writ petition is devoid of merits and is liable to be dismissed. However, the petitioner is at liberty to make a representation before the Official Liquidator, if so advised.

8. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

08.09.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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The Government of Tamil Nadu,
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2. The Director of Handlooms and Textiles,
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