



WEB COPY



W.A.No.2177 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.No.2177 of 2022
and C.M.P.No.16214 of 2022

1.The Managing Director,
Tamil Nadu Co-operative Milk Producers,
Federation Limited, “Aavin Illam”,
Madhavaram Milk Colony,
Chennai – 600 051.

2.The Commissioner for Milk Production
and Dairy Development,
Madhavaram Milk Colony, Chennai – 600 051.

3.The Managing Director,
(Re-designed as General manager
in the year 2005),
The Coimbatore District Co-operative
Milk Producers Union Limited,
Pachapalayam, Kalampalayam Post,
Coimbatore – 10.

.. Appellants

Vs.

A.Selvaraj,
Assistant General Manager (Admn.) (Retired)
Salem DCMPU Limited, Salem.

.. Respondent



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Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 01.03.2022 passed in W.P.No.23548 of 2009 on the file of this Court.

For Appellants : Mr.I.John Arockiadas
For Respondent : Mr.R.Singaravelan, Senior Counsel
for Mr.V.S.Jagadeesan

JUDGMENT

[Judgment of the court was delivered by R.MAHADEVAN, J.]

Challenging the order dated 01.03.2022 passed by a learned Judge in W.P.No.23548 of 2009, the appellants have preferred the present intra-court appeal.

2. Originally, the respondent / writ petitioner preferred the aforesaid writ petition, for issuance of a writ of certiorarified mandamus, to quash the proceedings of the first respondent in Ref.No.11181/Pers.Lr.3/1997 dated 07.08.2007, whereby the representation of the respondent herein to reconsider the disciplinary proceedings was rejected, and consequently, direct the first appellant to pay all the attendant benefits with interest and compensation.



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3. The learned Single Judge allowed the aforesaid writ petition vide order dated 01.03.2022, the relevant paragraphs of which, are extracted below for ready reference:

"4. The learned counsel for the petitioner would submit that in view of the suspension order, the retirement benefits, including the pensionary benefits, have not been disbursed to the petitioner.

5. Since this Court is of the view that the suspension period requires to be treated as duty period, the petitioner would be eligible for all the retirement benefits, including the pensionary benefits, without reference to the subsequent proceedings of the first respondent dated 20.12.2011.

6. In the light of the above findings, there shall be a direction to the first respondent herein to forthwith disburse all the retirement benefits due to the petitioner, including the pensionary benefits, after adjusting the subsistence allowance that may have been paid to the petitioner from 16.05.1997 to 26.04.2000, within a period of six (6) weeks from the date of receipt of a copy of this order. In view of the petitioner having reached the age of superannuation and the punishment having already been implemented, no interference is required to the punishment, as such.

7. In the result, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed."

The aforesaid order of the learned Judge is challenged in this appeal at the instance of the appellants.



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4. When the matter was taken up for consideration, the learned counsel for the appellants filed a statement dated 16.11.2022, in which, the terminal benefits payable to the respondent herein, are tabulated and the same are as under:

S.No.	Description	Amount in Rupees	Status as per Employer
1	Leave Encashment	2,82,714.25/-	Paid by Cheque No.125811 dated 27/08/2014
2	Gratuity	3,50,000.00/-	Paid on 11/11/2014 by Cheque No.136710 dated 10/11/2014
3	Arrears of Section Grade Pay from 30/05/2005 to 30/06/2009	3,00,000.00/-	
4	Arrears of Pay Allowances for Leave Encashment of 288 days	90,000.00/-	
5	EPF Pension from July 2009 to September 2022 for 149 months	2,98,000.00/-	
6	Ex-Gratia Pension from November 2016 to September 2022	2,63,750.00/-	Application submitted only on 10/10/2022. Under Process
7	Superannuation Fund	75,000.00/-	Application not submitted

The learned counsel further submitted that the appellants have already paid the leave encashment, gratuity and ex-gratia pension and that, they are inclined to pay the balance terminal benefits detailed in serial nos.3, 4, 5 and 7 of the table referred to above, within a time to be stipulated by this Court.



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5. The learned counsel for the respondent has also affirmed the aforesaid submissions made by the learned counsel for the appellants.

6. In view of the above, this court grants six weeks time to the appellants for settling the balance terminal benefits payable to the respondent / writ petitioner. It is also made clear that interest, if any, at reasonable rate, shall also be paid, within the said time limit.

7. Accordingly, this writ appeal stands disposed of. No costs. Connected C.M.P. is closed.

[R.M.D., J.] [M.S.Q., J.]
27.02.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No
nsd

R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.



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nsd

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To

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