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W.P.No.22543 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22543 of 2023

R.Pandiyan

... Petitioner

Vs.

The General Manager,
The Krishnagiri District Coop. Milk Producers Union Ltd.,
Kanagamutulu Post,
Salem Main Road, Krishnagiri District,
Tamil Nadu – 635 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the Respondent pertain to the impugned order bearing Ref. No.925 / Estt. 1/ 2023 dated 29/04/ 2023 and quash the same consequently direct the respondent to pay the petitioner's terminal benefits include gratuity pension after with holding the excess pay made to the petitioner subject to his right of appeal / revision considering the petitioner's representation dated 19.04.2023 and 09.05.2023 within a stipulated time.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.V.Rajinikanth
Standing Counsel



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ORDER

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This writ petition has been filed challenging the order of the respondent, dated 29.04.2023, withholding the terminal benefits payable to the petitioner on his retirement, till the finalization of audit objections pending against him.

2.It is the grievance of the petitioner that though he was permitted to retire from service on attaining the age of superannuation, the respondent, vide the impugned order, while permitting the petitioner to retire from service, has ordered the terminal benefits to be withheld till the finalization of audit objections pending against him, pursuant to the report received from the Accounts Section stating that a sum of Rs.10,05,977.86 is pending to be recovered from the petitioner towards revised pay arrears for the period from 01.04.2013 to 13.09.2017 and 01.10.2017 to 31.03.2019 and audit objection pending amount. Challenging the same, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.V.Rajinikanth, learned Standing Counsel, appearing for the respondent.



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4.The very impugned order itself indicates that the respondent has clearly quantified the sum of Rs.10,05,977.86 as one pending to be recovered from the petitioner pursuant to the audit objection raised by the Accounts Department, towards excess payment. Further, the learned Standing Counsel himself submitted that they have already challenged the same by way of appeal.

5.In such view of the matter, there is no impediment in releasing the remaining amount and pensionary benefits to the petitioner, which the petitioner is entitled to. Therefore, the respondent is directed to disburse the remaining amount, except the amount as quantified in the impugned order dated 29.04.2023, and also the pensionary benefits to the petitioner within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs.

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07.09.2023

N. SATHISH KUMAR, J.



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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

The General Manager,
The Krishnagiri District Coop. Milk Producers Union Ltd.,
Kanagamutulu Post,
Salem Main Road, Krishnagiri District,
Tamil Nadu – 635 001.

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