



WEB COPY



W.P.No.22510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22510 of 2023

K.Rajendran

... Petitioner

Vs.

1.M/s.Puducherry Agro Service and
Industries Corporation Limited
Agro House, Thattanchavady
Puducherry, 605 009.
Represented by
The Chairman-Secretary to Government (Agriculture)
Office of Chief Secretariat,
Puducherry – 605 001.

2.The Managing Director,
M/s.Puducherry Agro Service and
Industries Corporation Limited
Agro House, Thattanchavady,
Puducherry – 605 009.

3.J.Selvanathan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 3rd respondent to receive the files and records from the petitioner in the light of the Order No.6-1-53/PASIC/Estt/P.F/1995-1996.Vol-II/4226, dated 06.03.2023, and to consequently direct the respondents to issue the relieving order to the petitioner with effect from 30.06.2023 and to disburse the Gratuity, P.L.



W.P.No.22510 of 2023

encashment and other post-retirement benefits within a time to be stipulated by this Court.

For Petitioner : Mr.P.D.Anbarasan
For R1 and R2 : Mr.M.Nirmal Kumar
Government Advocate
For R3 : Ms.E.Thiyaga
for Mr.B.Balavijayan

ORDER

This writ petition has been filed to direct the 3rd respondent to receive the files and records from the petitioner in the light of the Order No.6-1-53/PASIC/Estt/P.F/1995-1996.Vol-II/4226, dated 06.03.2023, and to consequently direct the respondents to issue the relieving order to the petitioner with effect from 30.06.2023 and to disburse the Gratuity, P.L.Encashment and other post-retirement benefits within a time to be stipulated by this Court.

2.It is the case of the petitioner that he was working as Manager (Legal) in the respondent Corporation and he retired on attaining the age of superannuation on 30.06.2023. Therefore, the Managing Director of the respondent Corporation directed the 3rd respondent to take over the



W.P.No.22510 of 2023

files and records from the petitioner vide order dated 06.03.2023. It is the grievance of the petitioner that, though the petitioner is ready to hand over the files and records, the 3rd respondent is not turning up to receive the same, because of which, the petitioner is unable to get relieving orders from the Corporation and consequential retirement benefits. Hence, the writ.

3.Heard the learned counsel for the petitioner, Mr.M.Nirmal Kumar, learned Government Advocate, who takes notice for the respondents 1 and 2 and Ms.E.Thiyaga for Mr.B.Balavijayan, learned counsel for the 3rd respondent.

4.At the outset, this Court is of the view that the mandamus as sought for by the writ petitioner cannot be granted, since the petitioner attempts to achieve indirectly what he could not achieve directly. The main grievance of the petitioner is that, despite the Office Order dated 06.03.2023 to hand over the files, Stock Register and other records to the 3rd respondent, namely Mr.J.Selvanathan, Senior Assistant, the 3rd respondent has not taken over the files and records. If really the petitioner is ready and has handed over the files and records and the same has not



W.P.No.22510 of 2023

been taken charge by the 3rd respondent, the petitioner ought to have filed appropriate representation before the senior officials. However, no such attempt has been made so far. Instead, the petitioner has directly approached this Court by way of this writ petition. If at all the 3rd respondent is not turning up to receive the files and take charge, it is for the petitioner to get his grievance redressed before his superior officers, but not by way of writ petition before this Court.

5. Therefore, I do not find any merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs.

23.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order



W.P.No.22510 of 2023

To
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Office of Chief Secretariat,
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- 2.The Managing Director,
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N. SATHISH KUMAR, J.
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W.P.No.22510 of 2023

23.08.2023