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W.A.No.2821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.10.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.2821 of 2023

K.Rajendran

.. Appellant

Vs.

1.M/s.Puducherry Agro Service and
Industries Corporation Ltd.

Agro House, Thattanchavady
Puducherry 605 009

Rep. by The Chairman-cum-Secretary to Government (Agriculture)

O/o.The Chief Secretariat
Puducherry 605 001

2.The Managing Director
M/s.Puducherry Agro Service and
Industries Corporation Ltd.

Agro House, Thattanchavady
Puducherry 605 009

3.J.Selvanathan
Working as Senior Assistant
M/s.Puducherry Agro Service and
Industries Corporation Ltd.
Plot No.45, II Cross, S.M.V.Puram
West Villianur
Puducherry 605 110

.. Respondents



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Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 23.08.2023 passed by the learned Judge in W.P.No.22510 of 2023.

For Appellant : Mr.P.Vijendran
for Mr.D.Anbarasan
For Respondents : Mr.Sreedhar
Additional Government Pleader
(Puducherry)

JUDGMENT

(Judgment of the court was delivered by R. MAHADEVAN, J.)

Challenging the order dated 23.08.2023 passed by the learned Judge in W.P.No.22510 of 2023, the writ petitioner has preferred this writ appeal.

2.The appellant/writ petitioner, who was working as Manager (Legal) in the respondent Corporation, attained the age of superannuation on 30.06.2023. Therefore, the Managing Director of the respondent Corporation, *vide* order dated 06.03.2023, directed the 3rd respondent to take over the files and records from the appellant. Though the appellant is ready to hand over the files and records, the 3rd respondent did not turn up to receive the same, due to which, he is unable to get relieving order from the Corporation and consequential retirement benefits. Hence, he filed W.P.No.22510 of 2023, seeking a



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mandamus to the 3rd respondent to receive the files and records from him and also for a direction to the respondent Corporation to issue relieving order to him with effect from 30.06.2023 and to disburse his retirement benefits. The learned Judge, by order dated 23.08.2023, dismissed the said writ petition, holding that instead of approaching the senior officials to redress his grievance, the appellant has filed the writ petition. Aggrieved by the aforesaid order passed by the learned Judge, the writ petitioner has preferred this writ appeal.

3.The learned counsel appearing for the appellant submitted that the third respondent had not turned up to take over the files and records from the appellant, in spite of personal requests. It is the further submission of the learned counsel that the appellant submitted a representation to the second respondent dated 14.06.2023 in this regard and that he had also made a representation to the first respondent requesting to direct the third respondent to arrange for an alternate person to take over the files / records from him due to his superannuation on 30.06.2023, but no communication has been received from the authorities either before the date of superannuation or after that date. It is also submitted that salary for 120 months has not been paid to the appellant by the management and due to the same, the appellant finds it very difficult to run his family. Finally, the learned counsel submitted that all these facts have



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already been put forth in the affidavit filed in support of the writ petition, but the learned Judge has not examined it properly and dismissed the writ petition stating that without making any representation before the higher authorities, the appellant has preferred the writ petition. Stating so, the learned counsel prayed for setting aside the order passed by the learned Judge and to give appropriate direction to the respondents.

4.The learned Additional Government Pleader appearing for the respondents submitted that the impugned order passed by the learned Judge need not be interfered with by this Court, as there are no infirmities in the order.

5.Heard the learned counsel on either side and perused the records.

6.While passing the order of dismissal, the learned Judge has observed that the appellant has not filed any representation before the senior officials and he approached the writ Court directly. But it is seen from the affidavit filed in support of the writ petition that the appellant had mentioned all these details, i.e., making representation to the authorities. It appears that the appellant, in fact, made representations on 14.06.2023 and 19.06.2023 to his senior officials,



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which they failed to consider and the learned Judge also did not look into the factum of receipt of the said representations by the authorities. Therefore, we are inclined to set aside the order of the learned Judge and issue appropriate direction to the respondent authorities to act upon the representations of the appellant.

7. Accordingly, the order of the learned Judge is set aside and the respondents are directed to consider and pass appropriate orders on the representations made by the appellant on 14.06.2023 and 19.06.2023, in the manner known to law, within a period of eight weeks from the date of receipt of a copy of this judgment.

8. The writ appeal is disposed of in the above terms. No costs.

[R.M.D,J.] [M.S.Q, J.]
16.10.2023

Internet : Yes
Neutral Citation : Yes/No
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R. MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

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To

1.The Chairman-cum-Secretary to Government (Agriculture)
O/o.The Chief Secretariat
Puducherry 605 001

2.The Managing Director
M/s.Puducherry Agro Service and Industries Corporation Ltd.
Agro House, Thattanchavady
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