



W.P(MD)No.17801 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.07.2023**

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.17801 of 2023

Marimuthu

...Petitioner

Vs.

1.The Deputy Registrar (Dairy Development),
Virudhunagar.

2.The General Manager,
Virudhunagar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus directing the respondents to release the arrears of salary, retirement benefits including pension for the petitioner based on his representation dated 05.07.2023.

For Petitioner : Mr. Arun Swaminathan

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the respondents to release the arrears of salary,



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retirement benefits including pension for the petitioner based on his representation dated 05.07.2023.

2. The case of the petitioner is that since 1972, he served as Salesman in the MS 98 Kottaiyur Co-operative Milk Producers Society. The said Society wound up in the year 2016. Based on the resolution of the Society dated 07.11.2009 and G.O.Ms.No.123 (A.H & F.D) dated 01.10.2009, the Society has given increment to the petitioner from 01.10.2009 onwards. The respondent has not paid any salary to the petitioner for the period from 2012 till his retirement i.e 2016.

3. The learned counsel for the petitioner submits that during that tenure he paid the electricity charges for the Society and for some of the immovable properties protected by him. The learned counsel would submit that being a senior citizen the petitioner is facing age related ailments and unable to meet out the medical



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expenses. As such, the arrears of salary and the pensionary benefits are very much necessary for him. The first respondent has passed an increment order via his proceedings dated 12.11.2009 stating that the Society should avoid unnecessary expenses during the revamping period and for the welfare of the Society. The petitioner did his best till his retirement.

4. The learned counsel for the petitioner submits that the respondents have to clear the arrears of salary and to settle the retirement benefits including the pension to the petitioner. Requesting the same, the petitioner made a representation dated 05.07.2023 but there is no fruitful answer.

5. Having heard the submissions of the respective counsels and upon perusal of the materials available on record, to meet the interest of justice, in my considered view, it is appropriate to dispose of the Writ Petition with a direction to the respondents to consider



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and pass orders on the representation dated 05.07.2023 submitted by the petitioner.

4. Accordingly, without going into the merits of the case, this Writ Petition is disposed of with a direction to the first respondent to consider and pass appropriate orders on the representation dated 05.07.2023 submitted by the petitioner by following due process of law within a period of eight weeks from the date of receipt of a copy of this order.

5. No costs.

24.07.2023

Index : Yes / No
NCC : Yes / No
CM

To,
1.The Deputy Registrar (Dairy Development),
Virudhunagar.

2.The General Manager,
Virudhunagar



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BATTU DEVANAND, J.

CM

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