



W.P.(MD).No.3051 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.3051 of 2016

and

W.M.P.(MD).Nos.2676 and 2677 of 2016, 12252 of 2017

K.Palaniappan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Khadi, Handloom and Textiles Department,
Secretariat,
Chennai – 09.
- 2.The Chief Executive Officer/
Registrar,
Khadi and Village Industries Board and
Co-operative Societies,
Kuralagam,
Chennai – 108.
- 3.The Managing Director,
Tamil Nadu State Palmgur and Fiber Marketing
Co-operative Federation Limited,
No.108, Gengu Road,
Egmore, Chennai – 8.
- 4.The Special Officer,
Tamil Nadu State Palmgur and Fiber Marketing
Co-operative Federation Limited,
No.108, Gengu Road,
Egmore, Chennai – 8.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, (a) calling for records pertaining to the impugned order dated 04.07.2008 in Na.Ka.329/A2/05 passed by the fourth respondent and quash the same and (b) consequently directing the respondents to disburse petitioner's entire retirement benefits for the period from 11.04.1965 including recovered amount, gratuity amount, surrendered earn leave salary detailed in petitioner's representation dated 02.07.2007 along with interest at the rate of 12% per annum till the date of payment and (c) consequently directing the respondents jointly and severally to pay a compensation of Rupees Five Lakhs for the loss and mental agony caused to the petitioner.

For Petitioner : M/s.T.Banumathy

For Respondents : Mr.A.Sivanupandian,
Government Advocate.

ORDER

This Writ Petition is filed challenging the impugned order dated 04.07.2008 with a consequential relief to disburse the retirement benefits from 11.04.1965 including recovered amount, gratuity amount, surrendered earn leave salary along with interest at the rate of 12% per annum and consequently directing the respondents jointly and severally to pay a compensation of Rupees Five Lakhs for the loss and mental agony caused to the petitioner.



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2. The impugned order is passed by the Special Officer, Tamil Nadu State Palmgur and Fiber Marketing Co-operative Federation Limited, who is the fourth respondent herein. Through the impugned order, the fourth respondent has declined to include the service rendered in the District Federation Limited by stating that the petitioner on his own willingness sought to employ him in the State Federation and his claim was sympathetically considered. Subsequently the District Federation was wound up. Since the petitioner was sympathetically considered and taken into service, the petitioner cannot claim terminal benefits which are to be paid by the District Federation. The learned counsel appearing for the respondents also reiterated the same. However, the learned counsel appearing for the petitioner relied on the proceedings dated 23.10.2001 passed by the Assistant Director, Khadi and Village Industries addressing the Special Officer, Tamil Nadu State Palmgur and Fiber Marketing Co-operative Federation Limited, wherein, it has been clearly stated that the petitioner while he was transferred to the State Federation is requested to transfer the Security Deposit, and SR, EPF, Gratuity amount of the individual to the State Federation immediately. The relevant portion is extracted hereunder:

“7. The Assistant Director (Kadhi & Village Industries) Karur, is requested to transfer the Security Deposit, and SR, EPF, Gratuity amount of the individual to the State Federation immediately”.



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3. Therefore, this Court is inclined is set aside the impugned order and the impugned order is set aside. This Court directs the third respondent to disburse the gratuity, leave encasement, Security Deposit and EPF and other terminal benefits that is applicable to the petitioner from 1965-1966. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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To

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S.SRIMATHY, J.

Nsr

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