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W.P.No. 11347 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11347 of 2012

1. K. Selvamony
2. S. Kalavathy,
3. K.S.Kanna
4. K.S.Girija
5. K.S.Kalpana Devi
6. K.S.Kalaiselvan

(P2 to P6 are substituted as LR's of
deceased P1 K.Selvamony as per
order dated 24.02.2017 in
WMP No. 4599 of 2017 in
W.P.No. 11347 of 2012)

...Petitioner

Vs

1. The Commissioner of Milk Production and
Dairy Development,
Madavaram Milk Colony, Madavaram,
Chennai – 600 051.
2. Tamil Nadu Co-operative Milk Producers
Federation Limited,
Rep. by its Managing Director,
Aavin Illam, Madavaram Milk Colony,
Chennai-600 051.

...Respondents



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Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the concerned records from the first respondent, quash the order of the first respondent dated 10.03.2012 in R.C.No.22377/10/M1 and consequently direct the second respondent to settle the gratuity, encashment of privilege leave, transfer of General Provident Fund and pay the same along Employees Provident Fund Accumulation, Special Superannuation Fund and Employees Provident Fund Pension with arrears along with interest at the rate of 18%.

For Petitioner : Mr.Balan Haridas

For R1 : Mr.M.Murali
Government Advocate

For R2 : Mr. I.John Arockiadas

ORDER

When the matter was came up for hearing, the learned counsel for the petitioner submitted in earlier writ petition filed by the petitioner in W.P.No. 4809 of 2008, this court by order dated 30.07.2019 has directed the Commissioner of Milk Production and Dairy Development/second respondent to calculate the interest payable on the gratuity amount of Rs. 5,015/- from 01.06.1991 till the date of payment, within a period of eight weeks from the

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date of receipt of a copy of the order.

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2. The present writ petition is filed to direct the second respondent to settle the gratuity, encashment of privilege leave, transfer of General Provident Fund and pay the same along Employees Provident Fund Accumulation, Special Superannuation Fund and Employees Provident Fund Pension Fund Pension with arrears along with interest at the rate of 18%.

3. In the present writ petition, the Commissioner is the first respondent and according to the learned counsel for the petitioner, the second respondent has settled all the benefits, as far as gratuity it is the first respondent who has to settle the same to the petitioner by virtue of the order passed in earlier W.P.No.4809 of 2008.

4. The learned Government Advocate appearing for the first respondent submitted that they are going to prefer an appeal against the order passed in W.P.No. 4809 of 2008 in which the Commissioner of Milk Production and



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Dairy Development has been directed to settle the gratuity amount to the petitioner.

5. In view of the above submission, this writ petition is closed with liberty to the petitioner to initiate the appropriate proceedings in the manner known to law. No costs.

26.03.2024

Index:Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1. The Commissioner of Milk Production and Dairy Development,
Madavaram Milk Colony, Madavaram,
Chennai – 600 051.
2. The Managing Director,
Tamil Nadu Co-operative Milk Producers
Federation Limited,
Aavin Illam, Madavaram Milk Colony,
Chennai-600 051.



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J.SATHYA NARAYANA PRASAD, J.

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