



W.P.(MD).No.4600 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4600 of 2024

and

W.M.P.(MD)Nos.4446, 4447 and 4450 of 2024

M.Vanisri

... Petitioner

Vs.

- 1.The Commissioner,
Milk Production and Dairy
Development,
Nandhanam,
Chennai-600 035.
- 2.The Managing Director,
Milk Production and Dairy
Development,
Madhavaram,
Chennai-600 051.
- 3.The General Manager,
Madurai District Co-operative
Milk Producers Union Ltd.,
Sathamangalam,
Madurai-625 020.

... 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, to call for the records pertaining to the Impugned Office Note recorded in N.F.6396 / ப.சு / 4 /2017 dated 10.06.2019 passed by the 3rd respondent and the above adverse order referred in Ref. No.4392/IR/2018, dated 23.09.2019 of the 3rd respondent under intimation to the 2nd respondent and quash the same as illegal and consequently direct the respondents to restore back all the monetary statutory benefits entitlements such as annual increments, dearness allowance surrender leave and other benefits and also to get back the amount deducted in the name of excess pay from the pay of the petitioner effected from June 2019.

For Petitioner : Mr.R.Alagarsamy
For R-1 : Mr.S.Shaji Bino,
Special Government Pleader
For R-2 & R-3 : Mr.M.Prabhu,
Standing Counsel

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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2. The present writ petition has been filed seeking direction to quash the Impugned Office Note dated 10.06.2019 passed by the 3rd respondent and the adverse order of the 3rd respondent dated 23.09.2019 under intimation to the 2nd respondent and consequently direct the respondents to restore back all the monetary statutory benefits entitlements such as annual increments, dearness allowance surrender leave and other benefits and also to get back the amount deducted in the name of excess pay from the pay of the petitioner effected from June 2019.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed to the post of Deputy Manager (Quality Control) based on the marks given by the Certificate Verification Committee and Assessment Committee Reports in 3rd respondent Milk Producers Union. In the meanwhile, a complaint has been sent by one Junior Executive in the Quality Control Office, Aavin, Madurai to the Vigilance Team (Aavin) alleging violation of Rules in recruiting middle level officials in Aavin, Madurai. Following which, the Chief Vigilance Officer, vide letter dated 11.07.2018



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reported the matter to the 2nd respondent for initiating further action in this issue. The petitioner and many others were required to produce experience certificate. Pursuant to the same, a show cause notice was also issued. Following which, the petitioner duly produced his experience certificate. Even, thereafter, the 3rd respondent Society has not disbursed annual increments, dearness allowance and other benefits etc., to the petitioner so far. The other persons similarly placed petitioner had filed a writ petition in W.P.(MD)No. 4855 of 2020 before this Court and this Court closed the same by taking into consideration, that a compromise has been arrived between the 3rd respondent and the petitioners therein. Following which, the 3rd respondent had disbursed the monetary benefits to them to which they were entitled to. However, the petitioner was not considered for the appropriate action. Hence, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the 1st respondent and Mr.M.Prabhu, learned Standing Counsel appearing for the respondents 2 and 3. Carefully perused the materials available on record.



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5. By taking into account, the compromise which has already been arrived between the 3rd respondent and the petitioner and other similarly placed persons as recorded by this Court in W.P.(MD)No.4855 of 2020 dated 11.03.2020 and considering the proceedings dated 10.03.2020, the petitioner is at liberty to submit a representation before the 3rd respondent elaborately and seek the necessary relief in terms of the compromise between the petitioner and the 3rd respondent forthwith. On receipt of the same, the 3rd respondent is directed to pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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