



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 5920 of 2018

AND

WP NO. 22166 OF 2018, WP NO. 22167 OF 2018, WP NO. 22426 OF
2018, WP NO. 23876 OF 2018, WP NO. 33398 OF 2018, WP NO. 15903 OF
2018, WP NO. 19013 OF 2018, WP NO. 19030 OF 2018, WP NO. 19317 OF
2018, WP NO. 16381 OF 2018

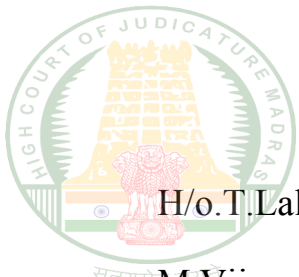
T. Vedavyasan
S/o V. Thankaiah, No. 26,
G.M.Sri Kala Nivas,
West Radhaveethi,
Krishnanankovil,
Nagercoil 629 001. ... Petitioner in WP.No.5920/2018

R.R.Janardhanan,
30/28-A, Thennolaikara street,
3rd Lane, Madurai 625 001. ... Petitioner in WP.No.22426/2018

R.Ulaganathan
138, Periyar Nagar, 3rd Street,
Sakkottai, Kumbakonam 612 401. ... Petitioner in WP.No.15903/2018

J.R. Nagalakshmi
W/o. K.V.Chandrasekaran,
101-A/ 1, South Veli Street,
IInd Floor, Thavittu Sandhai,
Madurai - 625001. ... Petitioner in WP.No.19317/2018

M.Murugesan



H/o.T.Lalithambika(Late),

M.Vijayan,

S/o.M.Murugesan.

M.Priyan,

S/o.M.Murugesan,

all are residing at

Door No. 16/185,

Kavadiyan Thottam,

Kuzhicode post,

Kanyakumari District 629 167.

...

Petitioners in WP.No.23876 of 2018

G.Mehanathan

249, North Agraharam,

Kuthanoor, Poonthottam Post-609 503,

Nannilam Taluk, Thiruvarur District ...

Petitioner in WP.No.16381 of 2018

A.Alagarsamy

S/o. Alagarsamy, 8-3-26/ 10A,

L.Pudur, Meerathan, T.Vadipatti,

Madurai District - 625218

...

Petitioner in WP.No.19013 of 2018

K.Johnson,

S/o.P.Kumaravel, 16/94,

Ediyanathuvilai Veedu,

Chitharal Post, Kanyakumari

District 629 151

...

Petitioner in WP.No.19030 of 2018

A.Eswaran

S/o.M.Arumugam,

Kundankadu,

Vellalapatti Post,

Omalur Taluk, Salem District,

Salem - 636012

...

Petitioner in WP.No.33398 of 2018

C.Hebsy Bai,

W/o. S. Selvaraj,

6/ 104-3, MamtharamPudur Main Road,

Pothiyadi Post,



Kanyakumari District - 629703

...

Petitioner in WP.No.22166 of 2018

S.Krishnamoorthy,

S/o. S.Shanmugam,

1/53 - L Main Road (North),

Sharmila Colony, Reddiarpatti,

Palayamkottai, Tirunelveli - 627007

...

Petitioner in WP.No.22167 of 2018

/vs/

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Agriculture,
Fort.St. George,
Chennai 600 009.

2.Registrar of Agro Engineering Service/
Director of Agriculture,
O/o Directorate of Agriculture,
Chepauk, Chennai -5.

3.The Liquidator,
O/o Directorate of Agriculture,
Chepauk,
Chennai -5.

[R3- Impleaded as per order
dt.31.07.2024 in WMP.22850/2024 in
WP.No.5920/2018 by MSKJ]

...

Respondents in all WPs.

PRAYER in WP No. 5920 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus calling for the records relating to the impugned Letter No. Na.Ka.134940/2016/AES-2, dated 11.7.2017 department of Agriculture on the file of the second respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the respondent to a sum of Rs. 38,45,110/- towards the retrenchment / service benefit along with calculated rate of interest at 12% and the interest may be recalculated at the rate of 18% interest



in which the retrenchment benefits paid to the employees of Thanjavur District Agro Engineering Service Co Operative Society which is an affiliated society of AGROFED

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PRAYER in WP No. 22166 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to the impugned Letter NO. Na.Ka.5586/ 2018/ AES -2, dated 21.3.2018 issued by the 2nd respondent, Department of Agriculture on the file of the 2nd respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the respondent to pay the entire balance service/ terminal benefits as demanded by the petitioner along with interest and pay a sum of Rs. 11,34,038/- towards the retrenchment/ service benefit along with future interest and compensation with calculation details.

PRAYER in WP.No.22167/2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to the impugned Letter NO. Na.Ka.5586/ 2018/ AES -2, dated 23.3.2018 issued by the 2nd respondent, Department of Agriculture on the file of the 2nd respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the respondent to pay the entire balance service/ terminal benefits as demanded by the petitioner along with interest and pay a sum of Rs. 10,47,272/- towards the retrenchment/ service benefit along with future interest and compensation with calculation details

PRAYER in WP No. 22426 of 2018 Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to the impugned letter No. Na.Ka.5586/2018 / AES - 2, dated 23.3.2018 issued by the 2nd respondent, Department of Agriculture on the file of the second respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the respondent to pay the entire balance service/terminal benefits as demanded by the petitioner by his representation dated 17.8.2017 along with interest and pay a sum of Rs.11,43,267/- towards the retrenchment/service benefit along with future

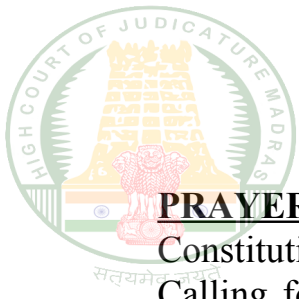


interest with calculation details

WEB PRAYER in WP No. 23876 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to the impugned Letter No.Na.Ka. 5586/2018/AES-2, dated 23.03.2018 issued by the 2nd respondent, Department of Agriculture on the file of the second respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the respondent to pay the entire balance service/terminal benefits as demanded by the petitioner along with interest and pay a sum of Rs.8,17,137/- towards the retrenchment/service benefit along with future interest and compensation with calculation details

PRAYER in WP No. 33398 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to the impugned Letter No.Na.Ka.5586/2018/AES-2, dated 2.4.2018 issued by the 2nd respondent, Department of Agriculture on the file of the second respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the 2nd respondent to pay the entire balance service / terminal benefits as demanded by the petitioner by his representation dated 3.9.2017 along with interest and pay a sum of Rs.9.29,974/- towards the retrenchment / service benefit along with future interest with calculation details

PRAYER in WP No. 15903 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus calling for the records relating to Letter No. Na.Ka.5586/2018/ AES2, dated 23.3.2018 issued by the 2nd respondent Department of Agriculture and quash the same in so far as the same is contrary to the claim of the petitioner and consequently direct the respondent to pay the entire balance service/terminal benefits as demanded by the petitioner by his representation dated 25.9.2017 and pay a sum of Rs.30,11,014/- (Rupees Thirty Lakhs, Eleven thousand and fourteen only) along with interest and compensation with calculation details



PRAYER in WP No. 19013 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to the impugned Letter No. Na.Ka.5586/ 2018/AES-2, dated 23.3.2018 issued by the 2nd respondent, Department of Agriculture on the file of the second respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the respondent to pay the entire balance service/ terminal benefits as demanded by the petitioner along with interest and pay a sum of Rs. 9,01,880/- towards the retrenchment/ service benefits along with future interest and compensation with calculation details

PRAYER in WP No. 19030 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus calling for the records relating to the impugned Letter No. Na. Ka. 5586/2018/AES-2, dated 21.3.2018 issued by the 2nd respondent, Department of Agriculture on the file of the second respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the respondent to pay the entire balance service/terminal benefits as demanded by the petitioner along with interest and pay a sum of Rs.6,99,099/- towards the retrenchment/service benefit along with future interest and compensation with calculation details

PRAYER in WP No. 19317 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to the impugned Letter No. Na.Ka.5586/ 2018/AES-2, dated 21.3.2018 issued by the 2nd respondent, Department of Agriculture on the file of the 2nd respondent and quash the same in so far as the same is contrary to the claim the petitioner and consequently direct the respondent to pay the entire balance service/ terminal benefits as demanded by the petitioners representation dated 17.08.2017 along with interest and pay a sum of Rs.12,39,416/- towards the retrenchment/ service benefits along with future interest and compensation with calculation details

PRAYER in WP No. 16381 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to Letter No.Na.Ka.5586/ 2018/AES-2, dated



23.3.2018 issued by the second respondent Department of Agriculture and quash the same in so far as the same is contrary to the claim of the petitioner and consequently direct the respondent to pay the entire balance service/ terminal benefits as demanded by the petitioner by the petitioner representation dated 15.5.2017 to pay a sum of Rs.40,05,142/- along with interest and compensation with calculation details.

In all WPs.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.R.Neelakandan, AAG-VIII
Assisted by M/s. M.Murali,
Govt.Advocate for RR 1 & 2
: M/s. M.Murali, For R3

COMMON ORDER

On 17.02.2025, this Court has passed the following order:

The petitioners were the erstwhile employees of the AGROFED organization which came under the Department of Agricultural Engineering. As the said organization has been dissolved, the petitioners were terminated from service on 30.11.2004. In pursuant to the government order in G.O.Ms.No.385 dated 27.11.2002 issued vide R.C.No.4174/Adm.1/2004 dated 21.01.2004 to submit a report about the salary arrears, EPF, and leave salary for providing service benefits and compensation.

2. *In accordance with the said circular, it has been given by the special officer of the AGROFED, Chennai. Subsequently, he was given a notice dated 26.8.2004 to pay the terminal*

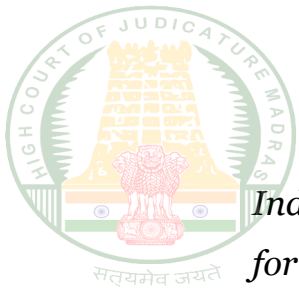


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benefits on 13.09.2004 to all the retrenched and terminated employees. However, the said notice was recalled, and a subsequent notice dated 28.10.2004 was issued informing that the AGROFED organization will be closed on 30.11.2004 and on that day, as per Section 25FFF of the Industrial Dispute Act, all the terminal benefits and compensation will be paid to the employees. In this regard, an executive order was issued on 30.11.2004 in Na.Ka.No.4641/Adm./302 dated 30.11.2004 by terminating 385 employees.

3. However, it is submitted by Mr. U. Karunakaran, learned counsel for the petitioners, that all 385 employees have not been paid with any benefits or compensation under Section 25FFF of the Industrial Dispute Act. According to the petitioners, neither the compensation nor the terminal benefits have been paid so far.

4. It is submitted by Mr.R.Neelakandan, learned Additional Advocate General for the respondents that the earlier government order in G.O.Ms.No.385 dated 27.11.2002 have been issued to initiate appropriate proceedings under section 137 of the Tamil Nadu Cooperative Societies Act for winding up the affairs of the Tamil Agro Engineering Service Co-operative and Federation limited after following the due procedure under the Act. The government also directed the Commissioner of Agriculture Registrar of Agro Engineering Service to issue instructions to the Managing Director of the Federation to follow the procedure laid down under the



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Industrial Dispute Act 1947 for issuing notice and compensation for the eligible employees under the Act. In reality, some compensation has been paid to all the retrenched employees by the Special Officer.

5. It is submitted by the learned counsel for the petitioner that the petitioners were not compensated reasonably and their dues under the EPF Act are also not settled. In fact, the special officer has been appointed only for the purpose of winding up the company and settling the demands to be paid to the workers.

6. So the learned counsel for the 3rd respondent, the official liquidator who had been appointed to dissolve the AGROFED organization, has filed a counter stating that all amounts prescribed in the order have been settled to the petitioners, and if they have any grievance, they are allowed to challenge the same by way of filing a writ petition.

7. Mr. R. Neelakandan, learned Additional Advocate General for the respondents, stated that the special officer had already disbursed the amount which he obtained from the government as a loan for the purpose of making essential distribution to the workers, including their salary.

8. The learned counsel for the petitioner submitted that the EPF contributions made by the petitioners have not been paid so far. So let the 3rd respondent give his comment on EPF



alone and also furnish the details of payment made to the petitioners on a case-to-case basis.

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9. This matter is ordered to be taken after two weeks."

2. When the matter was taken up today, the learned counsel for the 3rd respondent submitted that the 1st petitioner had already been informed about the EPF amount that had already been credited to the individual accounts based on the written submission given by the establishment.

3. With regard to the larger claim raised by the petitioner, the learned counsel for the 2nd respondent submitted that the petitioner, without challenging the notice of closure under section 25 FFF of the Industrial Dispute Act, has filed this Writ Petition.

4. Despite the petitioners being aware that the terminal benefits would be settled by the federation, they have filed these writ petitions without impleading the federation as a party. Further, the petitioners have not sought any alternate remedy available by way of a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act. The petitioners, being the employees of the



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cooperative federation, ought to have exhausted the statutory remedy available to them. The 384 employees for whom the retrenchment benefits have been settled have not raised any further claims. Based on the calculation given by the federation and by utilizing the loan given by the government, the amounts due to the petitioners have already been settled.

5. So far as the EPF claim also concerned, it is learnt from the submission made by the learned counsel for the 3rd respondent /EPF said that the amounts have been credited to the respective employee account and they do not have the records as the safe custody has already expired. The petitioner has filed these writ petitions without any basis, without exhausting the statutory remedy and without challenging the closure notice already issued to them.

In the result, these Writ Petitions are **dismissed**.

07.03.2025

Index : Yes
Internet : Yes/No
Speaking : Non-Speaking Order
Neutral : Yes /No
jrs



R.N.MANJULA, J.
jrs

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To

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Agriculture,
Fort.St. George,
Chennai 600 009.

2.Registrar of Agro Engineering Service/
Director of Agriculture,
O/o Directorate of Agriculture,
Chepauk, Chennai -5.

3.The Liquidator,
O/o Directorate of Agriculture,
Chepauk, Chennai -5.

**WP No. 5920 of 2018
AND**

**WP NO. 22166 OF 2018, WP NO. 22167 OF 2018, WP NO. 22426 OF
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07.03.2025