



WEB COPY

WP No. 29988 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

WP No. 29988 of 2025

1. S.Bharathithasan
S/o.T.R.Shanmugam, No.105, 5th
Block, Mogappair East, Chennai-600
037.

Petitioner(s)

Vs

1. Additional Chief Secretary To
Government
Natural Resources Department, Fort St.
George Secretariat, Chennai-600 009.

2.The Managing Director
The Tamil Nadu Minerals Ltd., No.31,
Kamarajar Salai, Chepauk, Chennai-
600 005.

Respondent(s)

PRAYER: Directing the respondents to disburse arrears of dearness allowance
w.e.f. 01.07.2018 to 28.06.2024 ie., to the tune of Rs.6,48,150/- and



consequently pay EPF contribution of Rs.77,778/- the differential amount of gratuity to the tune of Rs.4,34,507/-, the monetary benefit of earned leave of Rs.1,35,960/- arrears of 7th pay commission from 01.10.2017 to 29.02.2018 being a sum of Rs.50,000/- in total a sum of Rs.13,46,395/- as per G.O. Ms. No.134 dated 13.03.2024 and G.O.Ms. No.311 dated 31.12.2014 along with interest at the rate of 12 percent from 01.07.2018 till the date of realisation by considering the petitioners representation dated 02.09.2024 within the time stipulated by this Honourable Court

For Petitioner: Mr.M,Jagadheesan

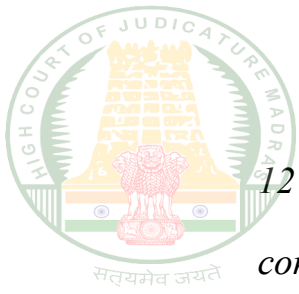
For R1: Mr.R.U. Dinesh Raj Kumar,
Additional Government Pleader

For R2 : Mr.B.Vijay, Standing Counsel

ORDER

This Writ Petition is filed for the below relief:

" directing the respondents to disburse arrears of dearness allowance w.e.f. 01.07.2018 to 28.06.2024 ie., to the tune of Rs.6,48,150/- and consequently pay EPF contribution of Rs.77,778/- the differential amount of gratuity to the tune of Rs.4,34,507/-, the monetary benefit of earned leave of Rs.1,35,960/- arrears of 7th pay commission from 01.10.2017 to 29.02.2018 being a sum of Rs.50,000/- in total a sum of Rs.13,46,395/- as per G.O. Ms. No.134 dated 13.03.2024 and G.O.Ms. No.311 dated 31.12.2014 along with interest at the rate of

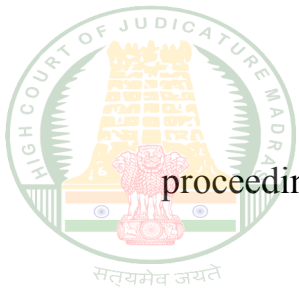


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12 percent from 01.07.2018 till the date of realisation by considering the petitioners representation dated 02.09.2024 within the time stipulated "

2. The brief facts which are culminated in the filing of this Writ Petition are set out below:

2.1. The petitioner would submit that he had been appointed as a Typist in the 2nd respondent Concern on 01.05.1988. On 22.10.1990, he was orally terminated from service. Aggrieved by the termination, he had initiated Industrial dispute proceedings by filing I.D.No.437 of 1991 on the file of the Additional Labour Court, Chennai. By an award dated 28.07.1995, the termination was set aside and the Management was directed to reinstate the petitioner with full back wages, continuity of service and all attendant service benefits. The award was upheld in W.P.No.4832 of 1996 and once again confirmed by the Hon'ble Division Bench in W.A.No.2938 of 2003 by order dated 24.08.2011. Despite this categorical finding and directions, the 2nd respondent failed to reinstate the petitioner into service from 22.10.1990 till 2012. He was reinstated in service on 14.08.2012 after initiating contempt



proceedings.

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3. The petitioner would submit that despite succeeding in all legal proceedings, the 2nd respondent failed to disburse the monetary benefits arising from the award, particularly back wages and continuity of service. Thus, the non-regularisation of the petitioner's period of non-employment has a cascading effect not only his service, but also his consequential pay benefits.

4. The petitioner has been straining to assert his legal right for so many years. The petitioner has sent his representation dated 02.09.2024, calling upon the Respondent to disburse the earnings of Dearness Allowance to the tune of Rs.6,48,150/- for the period from 01.07.2018 to 28.06.2024 and consequently pay the EPF contribution of Rs.77,778/-, the differential amount of gratuity to the tune of Rs.4,34,507/-, the monetary benefit of earned leave of Rs.1,35,960/-, arrears of 7th Pay Commission from 01.10.2017 to 28.02.2018, total being a sum of Rs.50,000/- and totally, a sum of Rs.13,46,395/-. Despite receiving the said representation, the Respondent had not taken any step whatsoever to



consider and pass orders on the same. Thus, aggrieved, the petitioner is before this Court.

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5. Having heard the learned Counsels and perused the records, it is evident that the Respondents have abdicated the duty imposed upon them. Therefore, this Court is constrained to issue a mandamus directing the respondent to consider and pass orders on the petitioners representation dated 02.09.2024 and pass orders thereon after affording opportunity to the petitioner within a period of two (2) months from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands allowed. No costs.

11-08-2025

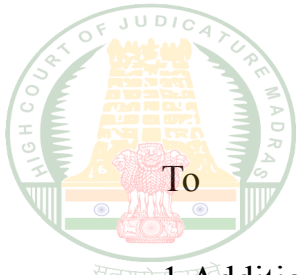
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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1. Additional Chief Secretary To
Government

Natural Resources Department, Fort St.
George Secretariat, Chennai-600 009.

2. The Managing Director

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