



W.P.(MD)No.4750 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.4750 of 2022

and

W.M.P.(MD)No.3952 of 2022

S.Narasinga Moorthy

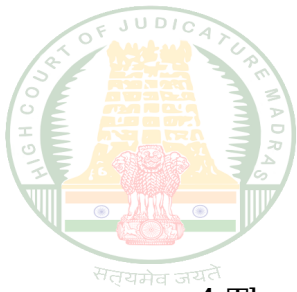
: Petitioner

Vs.

1.The General Manager,
Kanyakumari District Co-operative Milk Producers Union Limited.,
K.P. Road,
Nagercoil,
Kanyakumari District – 629 003.

2.The Managing Director,
Tamil Nadu Co-Operative Milk Producers Federation Limited.,
“Aavin Illam”,
Nandhanam,
Chennai – 600 035.

3.The Deputy Registrar (Dairying),
Kokkirakulam,
Tirunelveli,
Tirunelveli District – 627 001.



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4.The Commissioner,

Milk Production and Dairy Development Department,
Madhavaram Milk Colony,
Madhavaram,
Chennai – 600 051.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned order passed by the third respondent in Dispute No.01/2019 dated 24.01.2022, quash the same and consequently directing the respondents 1 to 4 herein to sanction and disburse the arrears of Ex-gratia Pension amount of Rs.40,984/- along with the interest at the rate of 12% p.a. from 16.12.2016 to 31.07.2018 to the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Bharathy Kannan

For Respondent No.1 : Mr.K.Prabhu,
Standing Counsel

For Respondents 2 & 3 : Mr.A.Baskaran,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 24.01.2022 passed by the third respondent rejecting the



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petitioner's request to disburse arrears of Ex-gratia Pension amount of Rs.40,984/- along with interest at 12% p.a. from 16.12.2016 to 31.07.2018, on the ground that the petitioner is not eligible, since the said disbursement is only applicable to the persons who attain the age of 58 years on superannuation. The petitioner has challenged the impugned order on the ground that the impugned order has been passed by total non-application of mind, contrary to the norms mentioned in G.O.Ms.No.186, Animal Husbandry, Dairying & Fisheries (MP.II) Department dated 16.12.2016 and also against Rule 3(f) of the Fundamental Rules of the Tamil Nadu Government.

2. Learned Counsel for the petitioner relied upon the relevant clause in G.O.Ms.No.186, dated 16.12.2016, referred to supra and would submit that as seen from the said clause, the petitioner who has voluntarily retired from service is eligible to the Ex-gratia Pension amount of Rs.40,984/- from 16.12.2016 to 31.07.2018, which is the period for which the petitioner was not paid with the Ex-gratia Pension amount.

3. Counter affidavit has been filed by the first respondent on behalf of the respondents reiterating the contents of the impugned order but however, the request of the petitioner has been rejected by



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not taking into consideration the fact that the petitioner had voluntarily retired from service. Further, in the impugned order, the petitioner's request has been rejected only on the erroneous ground that the petitioner having retired from service on attaining superannuation at the age of 58 years is not eligible to receive the Ex-gratia Pension amount for the period from 16.12.2016 to 31.07.2018. By non-application of mind to the case of the petitioner as well as G.O.Ms.No.186, dated 16.12.2016, the third respondent has rejected the petitioner's request.

4.For the foregoing reasons, this Court is of the considered view that the impugned order has been passed by total non-application of mind, as the case of the petitioner who has voluntarily retired from service was not considered but instead it was treated that the petitioner had retired from service on attaining superannuation at the age of 58 years, which is not the correct position.

5.In the result, the impugned order dated 24.01.2022 passed by the third respondent is hereby quashed and the Writ Petition is disposed of, by remanding the matter back to the first respondent for fresh consideration on merits and in accordance with



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law, within a time frame to be fixed by this Court. Accordingly, this

Court directs the first respondent to pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

12.09.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE., J.

MR

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