



W.P.(MD)No.15370 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15370 of 2025

and

W.M.P.(MD)No.11617 of 2025

R.Thangamani

... Petitioner

-VS-

1.The Commissioner,
Department of Sugar,
Aavin Illam, 2nd Floor,
No.3A, Pasumpon Muthuramalinganar Road,
Nandhanam, Chennai - 600 035.

2.Salem Cooperative Sugar Mills Limited,
Rep. by its Managing Director,
Mohanur, Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay all the monetary benefits to the petitioner and interest on the same and on the terminal benefits with interest at 18 percent per annum as per the representation dated 31.03.2023, within a time frame fixed by this Court.

For Petitioner : Ms.J.Anandhavalli

For R1 : Mr.K.Balasubramani
Special Government Pleader



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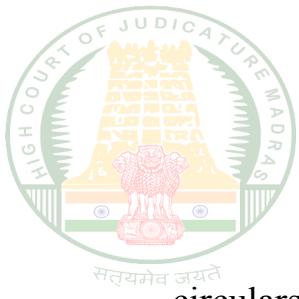
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ORDER

This writ petition has been filed seeking a direction to the respondents to pay all monetary benefits to the petitioner, along with interest on the same and on the terminal benefits, at 18% per annum, based on the petitioner's representation dated 31.03.2023.

2. According to the petitioner, he served as Chief Accountant in various sugar mills from 11.06.1987 to 31.12.2010 and last worked with the second respondent mill from 13.05.1997 till his retirement on 31.12.2010. Though the petitioner was relieved from service on his retirement, it was subject to pending disciplinary proceedings. The second respondent framed five charges against the petitioner. Despite the conclusion of enquiries, including receipt of the report in respect of Charge No.3 as early as in the year 2011 and no further action in respect of Charge No.5, the terminal benefits were not disbursed.

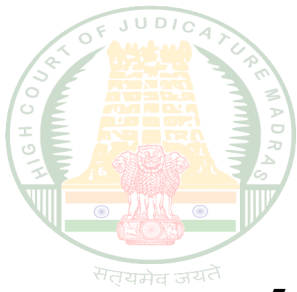
3. Further, the first respondent delayed for over 12 years and has only paid a portion of the monetary benefits. The second respondent, despite being aware of



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circulares dated 26.08.1999, 05.07.2004 and 14.09.2011, failed to act in accordance with the directions and instead improperly directed other mills to make payments. The failure to disburse full terminal benefits, salary arrears and earned leave dues is deliberate and discriminatory, especially when compared with similarly situated employees, who retired earlier and were granted benefits without such delay.

4. According to the petitioner, he has been acquitted of surcharge proceedings and other departmental charges, except for a pending criminal case. Despite this, the second respondent has unjustifiably withheld the dues for over 12 years, causing financial hardship and mental agony. Therefore, the petitioner is entitled to receive all pending dues along with interest at the rate of 18% per annum for the inordinate and unjustifiable delay. In this regard, the petitioner has sent a representation dated 31.03.2023 to the respondents. However, the same has not been considered so far. Hence, the petitioner seeks appropriate relief from this Court to direct the respondents to release all the monetary and terminal benefits with applicable rate of interest.



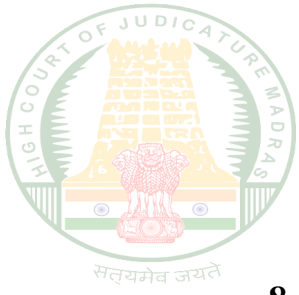
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5. Heard the learned counsel appearing for the parties.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 31.03.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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16.06.2025

To:-

- 1.The Commissioner,
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- 2.The Managing Director,
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VIVEK KUMAR SINGH, J.

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