



WEB COPY

WP No. 41049 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 41049 of 2025

K.Sampath

S/o Mr M. Kothandaraman

Main Road, Pillaimutha Pillaichavadi,

Salayanthopu Post

Chidambaram Taluk-608 401

..Petitioner(s)

Vs

1. The Commissioner of Milk Production And
Dairy Development
Madhavaram Milk Colony, Chennai 600 051
2. The General Manager
Villupuram Cuddalore District Cooperative
Milk Producers Union Limited, Kandamandi
Post, Vazhatha Reddy, PB No. 61 Villupuram
605 401

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records of the respondents leading to the order dated 23.09.2025 bearing Ref No.06/ Pers Estt 1/ 2020 of the second respondent and to quash the



same and to direct the respondents to effect payment to the petitioner, all the retirement benefits including Aavin pension, gratuity, provident fund, leave salary etc. together with interest at the rate of 12 percent p.a from the due date till the date of payment within a time frame to be fixed by this Court

For Petitioner(s): Ms.S.Rajeni Ramadass

For Respondent(s): Mr.R.U.Dinesh Rajkumar,

Additional Government Pleader for R1

Mr.S.Arunkumar

Standing Counsel For R2

Order

This writ petition has been filed for the following relief:

“To issue a writ of Certiorarified Mandamus to call for the records of the respondents leading to the order dated 23.09.2025 bearing Ref No.06/ Pers Estt 1/ 2020 of the second respondent and to quash the same and to direct the respondents to effect payment to the petitioner of all the retirement benefits including Aavin pension, gratuity, provident fund, leave salary etc. together with interest at the rate of 12 percent p.a from the due date till the date of payment within a time frame to be fixed by this Court”.



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2. It is the case of the petitioner that he had joined the services of the 3rd respondent as an Extension Officer, Grade-2 in the year 1987. Thereafter, in the year 2015, he was promoted as Extension Officer Grade-1. In addition to his regular duties, the petitioner was called upon on some occasions by his superiors to handle the duties of other officers. In this connection, the petitioner was temporarily asked to look after the duties of one Ayingaram, Manager (Marketing) between the years 2018 and 2019 as the said Ayingaram was on medical leave. The petitioner would submit that he had been discharging his duties diligently with an unblemished service record. The petitioner had put in 35 years of service and had attained the age of superannuation on 31.05.2022. The respondents are cooperative associations registered under the Tamil Nadu Cooperative Societies Act and the Rules are applicable to them.

3. It is the case of the petitioner that in keeping with the Rules and Regulations of the respondents governing retirement, the petitioner had made an application prior to attaining the age of retirement. The service details were scrutinised and the 3rd respondent had issued a letter to various



Officers/Departments in this regard seeking information as to whether any dues were payable by the petitioner to these departments. In response to this query, a No Objection Certificate was issued by the Deputy Registrar (Diary), Villupuram on 11.05.2022 confirming that no proceedings were pending regarding Surcharge and that no dues were payable by the petitioner to the respondents. That apart, it was also confirmed that there were no disciplinary proceedings pending against the petitioner. The Assistant General Manager (Finance) / Audit Department, by communication dated 27.05.2022, had also confirmed that there are no dues from the petitioner to the 2nd respondent.

4. Likewise, the Deputy Registrar (Diary), Cuddalore, by letter dated 27.05.2022, stated that they had not received any communication regarding action taken against the petitioner for the period when he was discharging his functions as Extension Officer-1 and in-charge Manager(Marketing). The letter further stated that a sum of Rs.1,78,692/- alone was due from the petitioner as he had not paid the insurance premium in respect of a vehicle viz., Innova Car that was allotted for the use of the Office bearers and this vehicle had met with an accident and by reason of the petitioner's negligence in not paying the insurance premium.



The General Manager of the 2nd respondent Society was not able to claim the insurance premium. The petitioner submitted that he had not received any notice of enquiry or faced any proceedings in disciplinary action.

5. While so, on the date of the retirement, the 2nd respondent had served on the petitioner an order dated 31.05.2022 stating that he was permitted to retire from service on attaining superannuation in the afternoon of 31.05.2022 and was relieved from duty. However, since surcharge / marketing dues are pending against the petitioner, the terminal benefits payable to the petitioner would be withheld. The petitioner had sent several representations to the 2nd respondent requesting payment of his terminal benefits. Since there was no response, the petitioner has filed W.P.23684 of 2025 seeking a mandamus to the respondents to pay the retirement benefits together with interest from the date of retirement till the date of payment. The said writ petition was disposed of on 02.07.2025 with a direction to the 2nd respondent to consider the petitioner's representation dated 04.12.2024 and pass orders on merits. Thereafter, the petitioner has been issued with the impugned order. Challenging the same, the petitioner is before this Court.



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6. The 2nd respondent had filed a counter affidavit *inter-alia* contending that the following amounts were attributable to the petitioner's tenure and responsibilities.

I) Rs.6,01,126.95 due from NLC Corporation Canteen for the financial year 2018-2019, as per the audit report.

II) Rs. 2,92,357.50 due from the Chidambaram Consumer Society for the period 01.04.2018 to 30.09.2019 being the outstanding amount towards the milk sales incurred when the petitioner served as Section Officer.

III Rs.1,78,692.00 representing 40% of the book value of an official vehicle (TN 74 AF 3157) which had met with an accident and the loss was on account of the petitioner's failure to renew the vehicle's insurance during his tenure as Deputy Manager (Central In-Charge), stationed at the AUV POD in Cuddalore District.



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7. It is the contention of the respondents that, on account of the aforesaid financial loss, an enquiry was initiated under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 and an order for recovery of Rs.1,78,692/- along with interest 12% per annum from 08.11.2020 was passed. The respondents would further submit that in compliance with the orders passed in W.P.No.23684 of 2025, a Committee was appointed to decide the petitioner's representation for release of retirement benefits and they had quantified the total recoverable amount from the petitioner as Rs.11,76,865.45. The respondents would submit that the total retirement benefits payable to the petitioner was Rs.29,75,693/- which are due under the following heads.

1	Encashment of Earned leave	Rs.10,42,987
2	Gratuity	Rs.17,09,85
3	Staff Superannuation Fund	Rs.50,000
4	Ex.Gratia Pension	Rs.1,72,854
	Total	Rs.29,75,693/-



After deducting the sum of Rs.11,76,865.45, the balance amount would be payable to the petitioner. Therefore, the respondents would submit that the order impugned is very much in order and sought for rejection of the writ petition.

8. Heard the learned counsels and perused the materials available on record.

9. The sum of Rs.11,76,865.45 is due under four heads:

1	<i>Milk and Milk Products dues from NLC Institution, Neyveli</i>	<i>Rs.6,01,126.95</i>
2	<i>Milk and Milk Products dues from Chidambaram Consumer Society</i>	<i>Rs,2,92,357.50</i>
3	<i>For negligence of renewal of Cuddalore Unions' Innova Card Insurance</i>	<i>Rs.1,78,692.00</i>
4	<i>12% interest amount for the period from 8.11.2020 to 25.09.2025</i>	<i>Rs.1,04,689.00</i>
	<i>Total amount</i>	<i>Rs.11,76,865.45</i>



10. As regards the third head, the Deputy Registrar in his letter dated 27.05.2022 has stated that the petitioner is liable to pay a sum of Rs.1,78,692/-, towards the insurance premium due. Subsequently, the respondents calculated the interest payable from 08.11.2020 to 25.09.2025. Since the amount was quantified only on 27.05.2022, the interest can be calculated only for the period from 27.05.2022 to 25.09.2025. Further, the petitioner had, right from the beginning, stated that the amounts due towards the insurance claim could be settled at the earliest, and it was the respondents who had been putting off the same. Therefore, the petitioner would submit that he is not liable to pay interest for the earlier period, and at best, interest is payable only from 27.05.2022 till 25.09.2025.

11. As regards the amounts due towards the first and second heads, no demand had been made nor any explanation for delay given by the respondents. That apart, no prior notice was issued before recovery. On the contrary, the various departments had given no objection and no due certificates pursuant to the communication sent by the 3rd respondent. The respondents have not substantiated as to how the aforesaid sums had fallen due. Therefore, the amounts now quantified, without notice to the petitioner and without supporting materials, cannot be claimed at this point



in time. The petitioner has fairly accepted liability for the sum of Rs.1,78,692/- together with applicable interest from 27.05.2022.

Therefore, the respondents are directed to disburse all other terminal benefits to the petitioner with applicable interest to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs. Accordingly, this writ petition is partly allowed. Consequently, connected miscellaneous petition is closed.

22-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SRN

To

1. The Commissioner Of Milk Production And Dairy Development
Madhavaram Milk Colony, Chennai 600 051
2. The General Manager
Villupuram Cuddalore District Cooperative Milk Producers Union Limited, Kandamandi Post, Vazhatha Reddy, Pb No. 61 Villupuram 605 401



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