



### ABSTRACT

Agriculture – Agricultural Extension Wing – Establishment – Settlement of Gratuity amount to the erstwhile employees of Tamil Nadu Co-operative Oilseeds Growers' Federation Limited (TANCOF) absorbed into the Department of Agriculture – Payment of Gratuity for the service period in Tamil Nadu Co-operative Oilseeds Growers' Federation Limited (TANCOF) – Orders - Issued.

(Agriculture (OS) Department)

G.O.(Ms)No.224.

Dated: 26.07.2016.

திருவள்ளூர் ஆண்டு 2047, ஆடி 11.

Read:

1. G.O.(Ms) No.345, Agriculture (OS) Department, dated 30.11.2001.
2. G.O.(Ms) No.142, Agriculture (OS) Department, dated 4.6.2002.
3. G.O.(Ms) No.310, Agriculture (OS) Department, dated 23.11.2005.

Read also:-

4. From the Commissioner of Agriculture, Letter No. 23497/2015/A2/AEW, dated 23.4.2015.

\*\*\*\*\*

### ORDER:-

In G.O.(Ms)No.345, Agriculture (OS) Department, dated 30.11.2001 the Government have directed the Commissioner of Agriculture / Registrar of Oilseeds Growers Co-operative Societies to take appropriate proceedings under section 137 of the Tamil Nadu Co-operative Societies Act, 1983 to wind up the activities of Tamil Nadu Co-operative Oilseeds Growers' Federation Limited. Accordingly, it was wound up with effect from 31.03.2002.

2. In G.O.Ms) No.142, Agriculture (OS) Department, dated 4.6.2002 orders were issued to the effect that the Area Agronomic Centre and Training Centre at Neyveli, the Area Offices at Thiruvannamalai, Vridhachalam, Cheyyar, Madurai, Erode and Tirunelveli with the staff attached to these units were transferred to the control of the Commissioner of Agriculture, subject to maintaining a separate identity consequent to winding up of Tamil Nadu Co-operative Oilseeds Growers' Federation Limited.

3. It was also ordered in the above Government Order that the employees so absorbed shall be treated as Government servants from the date of issue of the above mentioned order i.e with effect from 4.6.2002. Subsequently, in G.O.(Ms) No.310, Agriculture (OS) Department, dated 23.11.2005, an amendment was issued to the effect that the Tamil Nadu Co-operative Oilseeds Growers' Federation Limited employees are eligible under regular pension scheme applicable to regular Government servants with effect from 1.4.2002.

4. The Commissioner of Agriculture in his proposal has requested the Government to include the period of service rendered in Tamil Nadu Co-operative Oilseeds Growers' Federation Limited for the purpose of calculation of Gratuity. The Commissioner of Agriculture has furnished various reasons in support of his proposal as detailed below:-

A. As ordered in the G.O. (Ms) No.142, Agriculture (OS) Department, dated: 4.6.2002, the following follow up actions were completed:

- i) The employees thus absorbed from Tamil Nadu Co-operative Oilseeds Growers' Federation Limited were treated as Government servants with effect from 1.4.2002 and the pay of all concerned were protected.
- ii) The leave earned by the employee in Tamil Nadu Co-operative Oilseeds Growers' Federation Limited were transferred to the Department of Agriculture.
- iii) As per the G.O.(Ms) No.142, Agriculture (OS) Department dated 4.6.2002, Sl.No. 5(x) the gratuity amount of the employees for the period of service rendered in Tamil Nadu Co-operative Oilseeds Growers' Federation Limited were credited into the Government Head of Account as detailed below :-

Sl. No.	Particulars	Total amount to be remitted (Rs)	Amount so far remitted (Rs)	Date of remittance	Balance to be remitted (Rs)
1	For 147 employees	84,81,028.00	47,27,810.00	10.01.2005	Nil
2	For 147 employees		37,53,218.00	02.01.2013	
3	For 5 employees	4,04,422.00	1,54,931.00	27.07.2007	Nil
4	For 5 employees		84,980.00	11.04.2008	
5	For 5 employees		1,64,511.00	06.02.2014	
	Total	88,85,450.00	88,85,450.00		

B. In W.A No.427 and 428 of 2005 and WA(MP) Nos.783 and 784 of 2005, two retired employees of Tamil Nadu Co-operative Oilseeds Growers' Federation Limited have filed case against the Tamil Nadu Co-operative Oilseeds Grower's Federation Limited for non settlement of gratuity for the period of services rendered by them in Tamil Nadu Co-operative Marketing Federation Limited (TANFED) (Incidentally, those two employees were absorbed from Tamil Nadu Co-operative Marketing Federation (TANFED) to Tamil Nadu Co-operative Oilseeds Grower's Federation Limited in 1985 vide Government Order dated 04.07.1985) The Hon'ble High Court, Chennai has passed orders that since those two employees had rendered continuous service for not less than 5 years, the present employer is liable to pay gratuity for the period of service rendered with previous employer (TANFED) as per Section 4 of Payment of Gratuity Act, 1972.

5. The Commissioner of Agriculture has further stated that the gratuity for the period of service rendered in Tamil Nadu Co-operative Oilseeds Grower's Federation Limited should be paid by the Department of Agriculture since there was no break in service rendered in Tamil Nadu Co-operative Oilseeds Grower's Federation Limited already remitted in Government Head of Account and as such the gratuity amount for the period of service rendered in Tamil Nadu Co-operative Oilseeds Grower's Federation Limited is now in the Government Account.

6. The Commissioner of Agriculture has also added that in view of the reasons and justifications furnished above and as such the gratuity amount was already remitted in Government Head of Account, it is appropriate that for the purpose of calculation of gratuity amount the period of service rendered with the previous employer (TANCOF) should also be taken into account for sanction of gratuity amount to the retired employees of Tamil Nadu Co-operative Oilseeds Grower's Federation Limited absorbed into the Department of Agriculture. The Commissioner of Agriculture has requested the Government to issue suitable instructions to the Accountant General to the effect to accept the sanction of gratuity by taking into account the period of service rendered in Tamil Nadu Co-operative Oilseeds Grower's Federation Limited.

7. The Government after careful consideration accept the proposal of the Commissioner of Agriculture and decided to refund the gratuity amount to the erstwhile employees of Tamil Nadu Co-operative Oilseeds Grower's Federation Limited as detailed below:-

Sl.No.	Particulars	Amount
1	Gratuity Amount for 147 Employees	47,27,810.00
2	Gratuity Amount for 147 Employees	37,53,218.00
3	Group Gratuity Amount for 4 Employees	1,54,931.00
4	Transfer of Group Gratuity for one Employee	84,980.00
5	Gratuity amount for 5 Employees	1,64,511.00
	Total	88,85,450.00

8. The refund sanctioned above shall be debited to:-

0071 Contribution and Recoveries Towards Pension and other Retirement Benefits – 01 Civil – 900 Deduct – Refunds - AB Deduct – Refund to the Employees of Erstwhile TANCOF Limited.  
(DPC 0071-01- 900- AB 0006)

9. This orders issues with the concurrence of Finance Department vide its U.O.No. 25298/Pension/2016, dated: 20.07.2016.

(BY ORDER OF THE GOVERNOR)

GAGANDEEP SINGH BEDI  
AGRICULTURAL PRODUCTION COMMISSIONER  
AND SECRETARY TO GOVERNMENT

To  
The Commissioner of Agriculture, Chennai-5

The Liquidator, Tamil Nadu Co-operative Oilseeds Grower's Federation Limited,  
Chennai – 97.

The Principal Accountant General (G&SSA / E&RSA / C&RA / A&E / Audit –I &II / AAD),  
Chennai-18.

The Resident Audit Officer, O/o Principal Accountant General (General and Social  
Sector Audit), Chennai-9.

The Pay and Accounts Office (East ), Chennai – 5. / By Name

The Pay and Accounts Office (South ), Chennai – 35./ By Name

Copy to:-

The Finance (Pension ) Department, Chennai-9.

The Personnel and Administrative Reforms Department, Chennai-9.

The Connected file (5374/OS/2015).

Stock File / Spare copies. ✓

//FORWARDED BY ORDER//

- 60-3002227  
27/7/16  
SECTION OFFICER

27/7/16