

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33720/2015

- 1.D.Jayakanthan
- 2.P.Jayaraman
- 3.A.Jayaraman
- 4.K.Perumal
- 5.P.Kannan
- 6.T.Periyasamy
- 7.G.Solai
- 8.S.Sugadev
- 9.A.Rajankam
- 10.A.E.Natanampillai
- 11.M.G.Gopalakrishnan
- 12.E.Narayanan
- 13.D.Sambandam
- 14.C.Balasundaram
- 15.M.Mani

Vs

..Petitioners

1. The General Manager [Administration]
Gratuity Trust Fund, Tamilnadu Civil
Supply Corporation Ltd., Head Office
Kilpauk, Chennai-10.
2. The Regional Manager
Tamilnadu Civil Supply Corporation Ltd
Zonal Office, Vellore Road,
Thiruvannamalai District.
3. The Regional Manager
Tamilnadu Civil Supply Corporation Ltd
Vellore Region, Vellore.
4. The Regional Manager
Tamilnadu Civil Supply Corporation Ltd
Karur Region, Karur.
5. The Regional Manager
Tamilnadu Civil Supply Corporation Ltd.,
Thanjavur Region, Thanjavur.

6. The Regional Manager
Tamilnadu Civil Supply Corporation Ltd.,
Chennai Region [South], Gopalapuram
Chennai-86.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to consider the petitioners representations dated 11.08.2015, 11.08.2015, 12.08.2015, 14.08.2015, 17.08.2015, 19.08.2015, 21.08.2015, 25.08.2015, 07.09.2015 and 14.09.2015 consequently disburse the gratuity to the petitioners as per the directions of the 1st respondent dated 19.05.2014.

For Petitioners : Mr.N.Subramani

For Respondents : Mr.L.P.Shanmuga Sundaram,
Spl.GP [Coop.]

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioners would state that they were recruited as Shop Assistants/Trainee Bill Clerks under the services of the Tamilnadu Civil Supply Corporation during the year 1978-1987 in the "Amudham Village Fair Price Shops" in Thanjavur, Karur, Cuddalore, Vellore and Chennai Regions etc., under the Special Scheme of Corporation Retail Trade Development Training Programme and they were initially paid monthly stipend of Rs.100/- and it was enhanced to Rs.350/- p.m., per worker. It is further stated that in terms of G.O.No.1204, Cooperation, Food and Consumer Protection Department dated 11.08.1987, the above said Fair Price Shops have been transferred to the Cooperative Societies from 01.10.1987 by giving an option to the petitioners and other similarly placed persons, either to go to the Cooperative Societies or to remain in services of the Tamilnadu Civil Supplies Corporation.

3. The grievance expressed by the petitioners is that all of them have retired from service and while settling the Gratuity, the services rendered by them in the cadre by Trainee Bill Clerks/Trainee Shop Assistants in the above said Fair Price Shops, have not been taken into account for the purpose of calculation and some of them had also approached the authority constituted under the Payment of Gratuity Act, who in turn, had directed the Corporation to pay the Gratuity for the services rendered by the persons concerned as Trainee Bill Clerks/Trainee Shop Assistants.

4. The Legal opinion was also obtained and the Board in its 455th meeting held on 25.02.2014 has resolved to approve the training period for the purpose of calculating the Gratuity. The grievance expressed by the petitioners is that though they are also similarly placed like that of the persons who has approached the authority concerned, it has not been addressed so far. In this regard, they have also submitted representations dated 11.08.2015, 11.08.2015,

12.08.2015, 14.08.2015, 17.08.2015, 19.08.2015, 21.08.2015, 25.08.2015, 07.09.2015 and 14.09.2015 respectively and since no orders have been passed, they came forward to file this writ petition.

5. Heard the learned counsel for the petitioner and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader [Coop.], who accepts notice on behalf of the respondents.

6. This Court, taking into consideration the limited scope of prayer sought for by the petitioners and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioners' representations dated 11.08.2015, 11.08.2015, 12.08.2015, 14.08.2015, 17.08.2015, 19.08.2015, 21.08.2015, 25.08.2015, 07.09.2015 and 14.09.2015 respectively on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7. The writ petition is disposed of accordingly. No costs.

AP

Sd/-
Assistant Registrar (C.C.C)

/True Copy/

Sub-Assistant Registrar

To

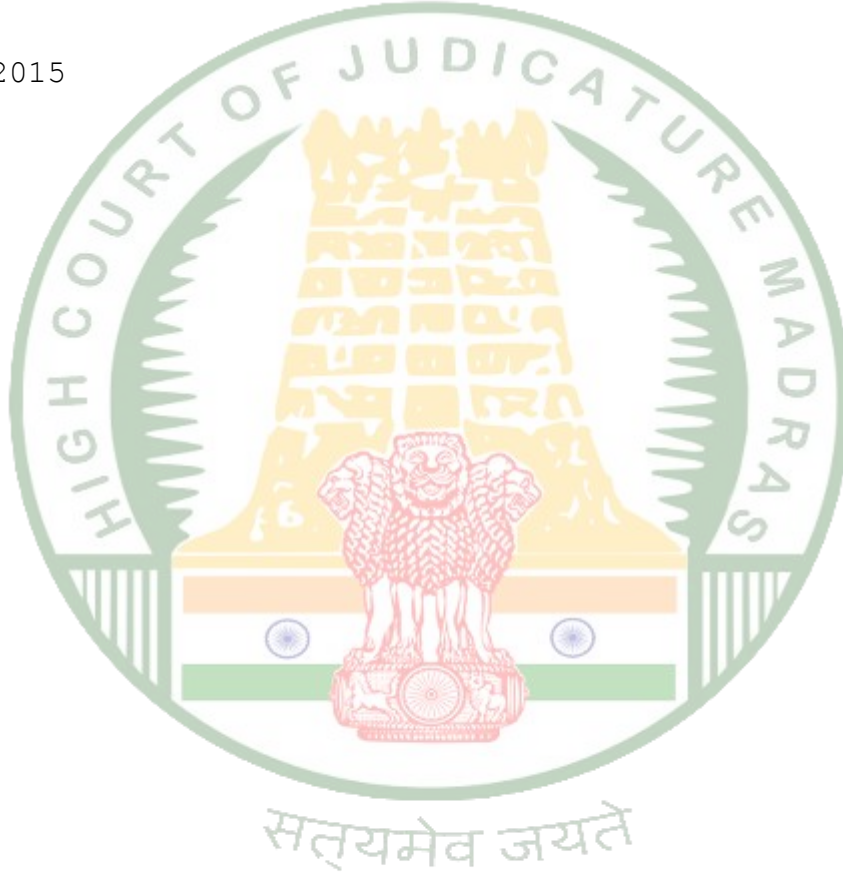
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+1 C.C. To MR.N.Subramani, Advocate in SR.NO.58138

W.P.No.33720/2015

PVR(CO)
sd : 17/11/2015



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