

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.9144 OF 2006

ORDER:

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The present Writ Petition came to be filed seeking issuance of Writ of Certiorari calling for records from the first respondent under Appellate Order No.36/04/2005-E1, dated 10.01.2006 confirming the order date 10.01.2005 in Claim Application No.48/15/2004-E3/E5 of the second respondent and direct the first respondent to withhold an amount of Rs.22,017/- out of Rs.2,61,703/- deposited with the first respondent in connection with appeal No.36/04/2005, dated 10.01.2006.

The facts in brief are as under:

The unofficial respondent joined the petitioner company as trainee on 07.10.1964. He was given permanent roll with effect from 01.11.1965 and retired from service on 31.05.2003. Briefing out the financial crises in the company, the petitioner admittedly stated that the unofficial respondent has been paid gratuity in part and rest of the payment shall be made as and when funds are generated. Aggrieved thereby, the unofficial respondent approached the second respondent seeking full payment of gratuity along with interest. After hearing both sides, the second respondent, by its order dated 10.01.2005, directed the petitioner to pay an amount of Rs.2,42,241/- which includes part of the gratuity amount, interest, gratuity on interim relief and also gratuity for the training period to the unofficial respondent. It is alleged that the said order dated 10.01.2005 is illegal and arbitrary, as the employee is not entitled for any gratuity during the training period. Questioning the said order, the petitioner company filed Appeal No.36/04/2005-E1 before the first respondent which was disposed of upholding the order of the second respondent. Aggrieved thereby, the present Writ Petition came to be filed.

Though various grounds are raised in the Writ Petition, learned counsel for the petitioner fairly submits that the unofficial respondent is entitled for

payment of gratuity.

Having regard to the above submissions, the Writ Petition is disposed of directing the petitioner - company to pay gratuity to the unofficial respondent, within a period of three months from the date of receipt of a copy of this order, as per his entitlement, after deducting any amounts already paid to him. It is always open to the unofficial respondent to make representation before the appropriate authorities claiming interest, if he is entitled to, which shall be dealt with, in accordance with law.

With the above directions, the Writ Petition is disposed of. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

26.11.2015

vhb