

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 09.09.2016**

**CORAM**

**THE HONOURABLE MR.JUSTICE R.SUBBIAH**

**W.P.No.31308 of 2016**

- 1 P.Manimaran
- 2 N.Nadanasabapathy
- 3 P.Kamaraj
- 4 T.Vanathaiya
- 5 V.Velayutham
- 6 R.Sellaperumal
- 7 G.Kandeepan
- 8 D.Ayyasamy
- 9 D.Krishnadoss
- 10 S.Munnusamy
- 11 D.Bakthavathsulu
- 12 A.K.Jayaraman
- 13 M.Srinivasan
- 14 M.Shanmugam
- 15 G.Ramalingam
- 16 K.Govindasami
- 17 R.Selvaraj
- 18 M.Chandrasekaran
- 19 K.Sugumar
- 20 J.Mohandoss
- 21 N.Poovathi

22 N.Alagirisamy  
23 D.Radhakrishnan  
24 R.Vijayan  
25 M.Krishnan  
26 T.Rathakrishnan  
27 N.Arumugam  
28 V.Ganesan  
29 A.Loganayagam  
30 R.Vaithilingam  
31 K.Ilanthamilan  
32 R.Narayanasamy  
33 E.Gunasekaran  
34 K.Navaneethan  
35 G.Ramamoorthy

... Petitioners

Vs.

- 1 The General Manager (Administration)  
Gratuity Trust Fund,  
Tamil Nadu Civil Supply Corporation Ltd.,  
Head Office,  
Kilpauk, Chennai – 10.
- 2 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd.,  
Regional Office,  
Vellore Road.
- 3 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd.,  
Regional Office,  
Chennai (North).
- 4 The Regional Manager

Tamil Nadu Civil Supply Corporation Ltd.,  
Regional Office,  
Kancheepuram.

5 The Regional Manager  
Tamil Nadu Civil Supply Corporation,  
Regional Office,  
Villupuam.

6 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd.,  
Regional Office,  
Cuddalore.

7 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd.,  
Regional Office,  
Thiruvallur.

8 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd.,  
Regional Office,  
Ariyalur.

... Respondents

### **Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders on the Form – I application submitted by the petitioners as per the directions given by the 1<sup>st</sup> respondent dated 19.05.2014 and disburse the balance gratuity amounts with interest at the rate of 12% per annum from the dates on which the amount became due till date of disbursement.

|                 |                                                           |
|-----------------|-----------------------------------------------------------|
| For Petitioners | : Mr.Bharath Chakravarthy<br>for M/s.Sai Bharath and Ilan |
| For Respondents | : Mr.L.P.Shanmugha Sundaram<br>Special Government Pleader |

**O R D E R**

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents to pass orders on the Form – I application submitted by the petitioners as per the directions given by the first respondent dated 19.05.2014 and disburse the balance gratuity amounts with interest at the rate of 12% per annum from the dates on which the amount became due till date of disbursement.

3.In the affidavit filed in support of this writ petition it is stated that the petitioners were recruited as shop Assistants/ Trainee Bill Clerks under the services of the Tamil Nadu Civil Supply Corporation during the year 1978-1987 in the “Amudham Village Fair Price Shops” in Thanjavur, Cuddalore, Dharmapuri and Tirunelveli Districts under the special scheme of Corporation Retail Trade Development Training Program.

4.It is further stated that in terms of G.O.1204 Co-operation Food and Consumer Protection Department, dated 11.08.1987, the above said fair price shops have been transferred to Co-operative

Societies from 01.10.1987 by giving option to the petitioners and other similarly placed persons either to go to the Co-operative Societies or to remain in the services of the Tamil Nadu Civil Supply Corporation and the petitioners opted to remain in the services of the Tamil Nadu Civil Supply Corporation and as such, they were absorbed as Packers in the year, 1989 and subsequently, promoted as Bill Clerks, Superintendent and above.

5.It is further stated that the petitioners after attaining superannuation were allowed to retire from service. However, the period of service put in by the petitioners as Trainee was not taken into account for the purpose of calculation, while settling the Gratuity to the petitioners. Aggrieved by the same, some of the similarly placed persons approached the authority constituted under the Payment of Gratuity Act, who in turn directed the Corporation to pay the Gratuity for the services rendered by the petitioners as Trainee Bill Clerks/ Trainee Shop Assistants and a legal opinion was sought by the Board with regard to the same and the matter was also placed before the Board in its 455<sup>th</sup> meeting held on 25.02.2014 and the Board after due consideration has resolved to approve the training period for the purpose of calculating the Gratuity. The petitioners therefore, submitted a claim in Form – I and the same is still pending. Hence,

this petition.

6. Heard the submissions of the learned counsel appearing for the petitioners and the learned Special Government Pleader who takes notice for the respondents.

7. Considering the submissions made on either side, this Court directs the respondents to pass appropriate orders on the Form – I application submitted by the petitioners as per the directions given by the first respondent, dated 19.05.2014, within a period of three weeks from the date of receipt of a copy of this order, on merits and in accordance with law.

8. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners and it is for the respondents to decide the matter, purely on merits.

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

09.09.2016

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Index: Yes/ No Internet: Yes/ No

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**R.SUBBIAH,J.**

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