

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.34367 of 2016

R.Senguttuvan

.. Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by the Secretary,
Industries Department,
Fort St.George,
Chennai-600 009.

2.The Commissioner of Sugars,
Department of Sugars,
No.690, Anna Salai,
Nandanam,
Chennai-600 035.

3.The Chief Executive,
Perambalur Cooperative Sugar Mills Ltd.,
Earaiyur-621 133,
Trichy District.

4.The Administrator,
M.R.K. Cooperative Sugar Mills,
Sethiathope-608 702,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the fourth respondent in his proceedings Ref.No.3303/92/E1 dated 07.09.2016 and quash the same and further direct the respondents 2, 3 and 4 to disburse the correct Gratuity amount to the petitioner for the period from 04.10.1978 to 30.04.2001 along with 12% Simple Interest for the eligible Gratuity amount from the date of entitlement till the date of actual payment and direct the respondents 2 to 4 to furnish the petitioner a copy of the working sheet of the calculation of the Gratuity.

For Petitioner :Mr.R.Singaravelan, Senior Counsel
for Mr.C.Samivel

For Respondents :Mrs.T.Girija,
Government Advocate for R1 to R4

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the fourth respondent in Ref.No.3303/92/E1 dated 07.09.2016 and further direct the respondents 2 to 4 to disburse the correct Gratuity amount to the petitioner for the period from 04.10.1978 to 30.04.2001 along with 12% Simple Interest for the eligible Gratuity amount from the date of entitlement till the date of actual payment and direct the respondents 2 to 4 to furnish the petitioner a copy of the working sheet of the calculation of the Gratuity.

2. The petitioner was appointed by the third respondent under the control of the second respondent as an Apprentice Manufacturing Chemist in Perambalur Sugar Mills Ltd., on 27.06.1978 and he joined duty on 04.10.1978. As per the initial appointment order, the petitioner had to complete 3 years of training on a consolidated salary of Rs.350/- per month and after completion of 3 years, he would be re-designated as Manufacturing Chemist on a regular scale of pay. But the respondents 2 to 4 have denied the legitimate promotion to the petitioner, which ought to have been given as on 27.06.1981, as per the initial appointment order dated 27.06.1978. The respondents have effected partial promotion to the petitioner on 26.10.2009 only after succeeding in W.P.No.15740 of 1992, W.P.No.19005 of 1996 and W.A.No.1876 of 2003. The prolonged denial of promotion and long drawn legal battle, resulted in absence of the petitioner from duty on medical grounds. But the fourth respondent had rejected the medical leave of the petitioner, conducted an exparte enquiry and terminated the petitioner from service on 30.04.2001. Even though the petitioner had represented to the respondents to pay the eligible Gratuity amount along with interest as per the directions of this Court in W.P.No.28156/2015 dated 11.07.2016, the respondent have not paid the same, vide proceedings of the fourth respondent in R.C.No.3303/92/E1 dated 07.09.2016. Challenging the same, the petitioner has come forward with this writ petition.

3. When the matter is taken up for consideration, Mr.R.Singaravelan, learned Senior Counsel appearing for the

petitioner submitted that in W.P.No.28156 of 2015, after making elaborate arguments on 11.07.2016, the petitioner restricted his relief to the extent of payment of Gratuity alone and hence, based on his representation, this Court passed the following order:

"6. In view of the said subsequent developments, the respondents 3 and 4 are directed to pay only the gratuity amount as payable and eligible for him for the period of service of 23 years prior to the date of termination, if it has not been already paid, within a period of two months from the date of receipt of a copy of this order.

The learned Senior Counsel appearing for the petitioner would further submit that since there is a delay in payment of gratuity amount, the petitioner is entitled for interest and therefore, prays for a direction to pay interest for the delayed payment of gratuity amount.

4. Heard the submissions of Mrs.T.Girija, learned Government Advocate appearing for the respondents and also perused the entire materials available on record.

5. While this Court is not inclined to give positive direction, however directs the respondents to pass orders on the petitioner's representation dated 10.09.2016 with regard to payment of interest for the delayed payment of gratuity amount, within a period of four weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
State of Tamil Nadu,
Industries Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Sugars,
Department of Sugars,
No.690, Anna Salai,
Nandanam, Chennai-600 035.

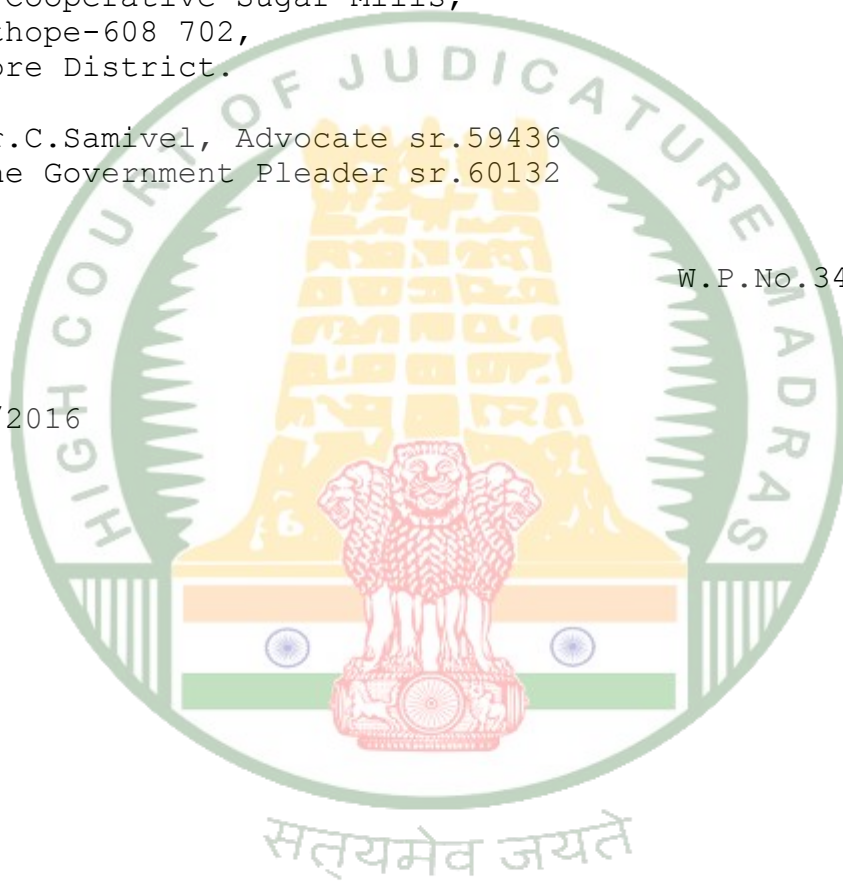
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Sethiathope-608 702,
Cuddalore District.

+1cc to Mr.C.Samivel, Advocate sr.59436
+1cc to the Government Pleader sr.60132

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