

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 21.11.2016  
CORAM  
THE HONOURABLE MR. JUSTICE R.SUBBIAH  
Writ Petition No.40698 of 2016

1 T.Erusappan  
2 G.Senguttuvan  
3 K.Sekar  
4 P.Kannan  
5 R.Mohanasundram  
6 N.Selvaraj  
7 M.Mathivanan  
8 M.Purushothaman  
9 P.Elumalai  
10 B.Sambath  
11 S.Chandrasekaran  
12 M.Deiasigamani  
13 M.Kusal Dass  
14 D.Arumugam  
15 J.Ramachandran  
16 D.Annamalai  
17 M.Sasikala  
18 V.Bala  
19 P.Jayaraj  
20 A.Krishnaraj  
21 S.Rajendran ... 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 Kancheepuram  
3 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd  
Regional Office Villupuram  
4 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd  
Regional Office Cuddalore

- 5 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd  
Regional Office Thiruvallur
- 6 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd  
Regional Office Vellore Road
- 7 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd  
Regional Office Chennai(South)
- 8 The Regional Manager  
Tamil Nadu Civil Supply Corporation Ltd  
Regional Office Chennai(North) ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for 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 1st 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.G.Ilanthirayan,  
for M/s.Sai Bharath and Ilan

For Respondents : Mr.L.P.Shanmugasundaram,  
Spl. Govt. Pleader

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to pass orders on the Form-I application submitted by them as per the directions given by the first respondent dated 19.5.2014 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. It is the case of the petitioners that they were recruited as shop Assistants / Junior Assistants, Superintendent, Bill Clerks, Watchman under the services of the

Tamil Nadu Civil Supply Corporation during 1979-1985 in Amudham Village Fair Price Shops in Chennai, Kancheepuram, Villupuram, Cuddalore, Thiruvallur, Vellore District, under the Special Scheme of Corporation Retail Trade Development Training program. They were initially paid monthly stipend of Rs.100/- and later, it was enhanced to Rs.350/- per month. While so, in terms of G.O.1204, Cooperation, Food and Consumer Protection Department dated 11.8.1987, the said fair price shops have been transferred to the cooperative societies from 1.10.1987 by giving option to the petitioners and other similarly placed persons either to go to cooperative societies or to remain in service of the Tamil Nadu Civil Supplies Corporation. The petitioners opted to remain in the service of the Tamil Nadu Civil Supplies Corporation and as such, they were absorbed as packers in the year 1989 and subsequently, promoted as Assistants, Superintendent, Bill Clerks, etc. Thereafter, after attaining the age of superannuation, they were allowed to retire from service. While settling gratuity to the petitioners, for the purpose of calculation, the period as Trainee was not taken into account. Aggrieved over the same, some of the similarly placed persons approached the authorities constituted under the Payment of Gratuity Act, who in turn, directed the corporation to pay the gratuity for the service rendered by them. While so, the matter was placed before the board in its 455<sup>th</sup> meeting held on 25.2.2014 and after due consideration, the board has resolved to approve the training period for the purpose of calculating gratuity. Therefore, the petitioner submitted claims in Form-I and various dates, which are kept pending till date. As far as the 17<sup>th</sup> petitioner is concerned, since he died, his widow has submitted the petition. In spite of repeated reminders, the amount is not disbursed to them. Hence, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and 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 19.5.2014, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim projected by the petitioners and it is for the

respondents to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi  
To

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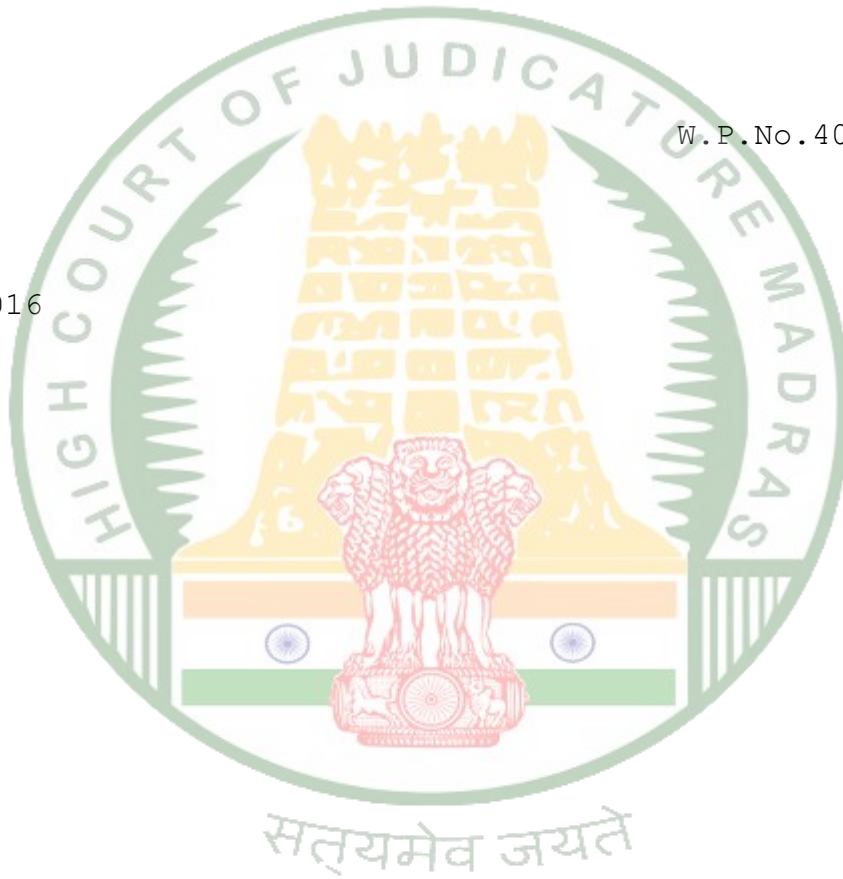
+1 cc to M/s.L.P.Shanmugasundaram Advocate sr 67379

+1 cc to M/s.Sai Bharath & Ilan Advocate sr 67651

+1 cc to Government Pleader sr 68095

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