

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41613 of 2016

S.Chakravarthi

... Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
No.3/137, Salamedu, Vazhuthareddy,
Villupuram-605 602.

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider the representation of the petitioner dated 26.10.2016 sent to the respondent by the petitioner and issue suitable directions to the respondent to settle the balance of payment of Gratuity of a sum of Rs.40,920/- with interest at the rate of 10% p.a. from 31.01.2008 to the petitioner within a time stipulated by this Court.

For Petitioner : Mr.S.Sridhar
For Respondents : Mr.P.Kannan Kumar

ORDER

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

2. The petitioner joined the services of the Transport Corporation as Driver on 29.08.1973 and he retired from service on 30.11.2008. The respondent, after his retirement, issued a cheque to the petitioner for a sum of Rs.2,64,610/- towards payment of Gratuity. The grievance of the petitioner is that thereafter, as per the Pay Commission Recommendations and as per the Settlement arrived between the workers and Management, there is a sum of Rs. 40,920/- due towards Gratuity to the petitioner. In this respect, the petitioner has filed P.G.Case No.63 of 2016 before the Deputy Commissioner of Labour, Vellore-1 and after filing the counter, the Deputy Commissioner of Labour passed an order dated 26.09.2016 directing the respondent to pay the said sum of Rs.40,920/- with interest at the rate of 10% p.a. within

a period of 30 days from the date of the said order. Thereafter, the petitioner sent a representation dated 26.10.2016 in this regard. But, till date, the balance of gratuity amount has not been settled to him. Hence, the present Writ Petition.

3. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondent.

4. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a copy of the representation dated 26.10.2016 along with a copy of this Order to the respondent within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondent is directed to consider and pass orders on the same on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion regarding the claim of the petitioner. It is for the respondent to decide the same on merits.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
No.3/137, Salamedu, Vazhuthareddy,
Villupuram-605 602.

+1cc to Mr.P. Kannan Kumar, Advocate, S.R.No.70641
+1cc to Mr.S. Sridhar, Advocate, S.R.No.69498

ug(CO)
md(09/12/2016)

W.P.No.41613 of 2016