

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43267/2016

T.Ganesan

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Petitioner

Vs

1.The Managing Director  
Tamil Nadu State Transport Corporation  
[Salem] Ltd., No.12, Ramakrishna Road  
Salem - 636 007.

2.The General Manager  
Tamil Nadu State Transport Corporation  
[Salem] Ltd., Dharmapuri Region  
Dharmapuri-636705.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents herein to settle the gratuity amount at Rs.4,34,215/- as fixed by the Controlling Authority appointed under the Payment of Gratuity Act, 1972 and the Assistant Commissioner of Labour, O/o.the Deputy Commissioner of Labour, Salem, in PG case No.110/2015 dated 03.05.2016 along with restricted interest at 6% per annum as directed by this Court in its order in WP.No.10848/2016 dated 23.03.2016 by deducting amount already paid towards gratuity and further direct the respondents herein to pay 18% interest per annum for the delayed settlement of the above gratuity amount to the petitioner namely for the period from 03.05.2016 to till date of actual payment to be stipulated by this Court.

For Petitioner : Mr.S.Sathiaseelan

For Respondents : Mr.P.Paramasivadoss

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Paramasivadoss, learned counsel accepts notice on behalf of the respondents.

2 The petitioner retired from service as a Senior Selection Grade Driver on 31.05.2014 without any break in

service and on the eve of his retirement, no Disciplinary Proceedings is also pending against him. According to the petitioner, he is entitled to receive a sum of Rs.4,34,215/- being the Gratuity amount as per the provisions of the Payment of Gratuity Act and since the said amount was withheld without any reasonable cause, the petitioner filed an application u/s.7[4][b] of the said Act, claiming Gratuity and interest for the belated payment of the gratuity from the respondents. The said application was taken on file in P.G.Case No.110/2015 by the Deputy Commissioner of Salem and since it has not been given disposal, the petitioner had approached this Court, by filing WP.No.10848/2015, praying for appropriate direction, directing the respondents to disburse Gratuity benefits, in the light of the judgment dated 12.06.2015 made in WA [MD] No.383 to 457/2015. The said writ petition was disposed of on 23.03.2016, directing the respondents therein to settle the entire terminal benefits, due and payable to the petitioner in twelve monthly equal instalments, carrying interest at 6% per annum and also further directions. The petitioner would further aver that pending implementation of the above said order passed by this Court, PG Case No.110/2015 was disposed of on 13.05.2016, directing the 2<sup>nd</sup> respondent to disburse the amount of Rs.4,34,215/- along with interest at 10% per annum from 31.05.2014 till full and final settlement.

3 The grievance now expressed by the petitioner is that the terminal benefits are being paid from May 2016 without furnishing the breakup details of the terminal benefits and insofar as the Gratuity amount is concerned, the respondents are issuing cheque for a sum of Rs.36,174/- including 6% interest from the date of retirement and the said calculation of the amount along with the interest at 6% is actually falling short in respect of the principal amount of Rs.4,34,215/- awarded by the authority concerned and the petitioner also expresses his grievance that the gratuity amount of Rs.65,000/- has been withheld by the respondents illegally though the petitioner is entitled to the same. The petitioner, in this regard, has submitted a representation dated 27.05.2016 in the form of Lawyer's Notice and in spite of receipt and acknowledgment, he is yet to be favoured with any kind of response and hence, the petitioner came forward to file the present writ petition.

4 Heard the submissions of the learned counsel for the petitioner and Mr.P.Paramasivadosh, learned counsel appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents to consider and

dispose of the petitioner's representation dated 27.05.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-  
Asst.Registrar (CS-II)

/true copy/

Sub Asst. Registrar

AP

To

1.The Managing Director  
Tamil Nadu State Transport Corporation  
[Salem] Ltd., No.12, Ramakrishna Road  
Salem - 636 007.

2.The General Manager  
Tamil Nadu State Transport Corporation  
[Salem] Ltd., Dharmapuri Region  
Dharmapuri-636705.

+lcc to Mr.S.Sathiaseelan, Advocate sr.73090

W.P.No.43267/2016

rk(co)  
ss(11/01/2017)

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