

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.01.2017

Coram

The Honourable **Mr. JUSTICE M.SATHYANARAYANAN**

Writ Petition No.60 of 2017

- 1.Manivannan
- 2.Kuppusami
3. Amsavelu
4. A.elumalai
5. P.Chandra Babu
6. P.Mani
7. M.Narayanan
8. N.Poovappan
9. T.P.Arumugam
- 10.R.Kalaimani
- 11.R.S.Rao
- 12.C.Thandapani

...Petitioners

-Vs-

1. The General Manager,
(Administration),
Gratuity Trust Fund,
Tamil Nadu Civil Supplies Corporation Ltd.
Head Office, Kilpauk,
Chennai - 600 010.
2. The Senior Regional manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Regional Office, Velur Road,
Tiruvannamalai.
3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Regional Office, Vellore.

4. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Regional Office,
Krishnagiri.

...Respondents.

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the representation dated 04.10.2016 made by the petitioners before the respondent on the light of the circular dated 19.05.2014 and disburse the gratuity amount with interest at 12% per annum from the date on which the amount became due.

For Petitioners : Mr.P.Tamilavel

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co.op.)

ORDER

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

2. The petitioners claim that they were originally recruited as Shop Assistants/Trainee Bill Clerks under the service of the Tamil Nadu Civil Supplies Corporation Ltd. (TNCSC) during the year 1978-1987 and were accommodated in Amudham village Fair Price Shop in Thiruvannamalai, Villupuram, Puducherry and Krishnagiri Districts under the scheme of Corporation of Retail Trading

Development Training Program. Subsequently, in terms of G.O.Ms.No.1204, Co-operative Food and Consumer Production (Department) dated 11.08.1987, the above said Fair Price Shops have been designated to the Co-operative Society from 01.10.1987, giving opportunity to the petitioners to exercise their options to remain in the service of the Tamil Nadu Supplies Corporation and subsequently, they got promotion to the post of Bill Clerks, Superintendent etc. The grievance expressed by the petitioners is that after attaining the age of superannuation, the period of service rendered by them as the Trainees has not been taken into account for the purpose of calculating gratuity. In this regard, they also submitted a representation dated 04.10.2016 and prayed for settlement of gratuity amount with interest at 12% per annum in the light of the Circular No.34/2014 in R.C.No.AGR3/67287/2013 dated 19.05.2014 . Despite receipt of acknowledgement, the said representation having not been disposed of, the petitioners have filed this writ petition.

3. Learned counsel for the petitioners submitted that in similar facts and circumstances, this Court, vide order dated 27.10.2015 made in W.P.No.33720 of 2015 (D.Jayakanthan & 14 others vs. The General Manager (Administration), Gratuity Trust Fund, Tamilnadu Civil Supply Corporation Ltd., Chennai-10 and others) had passed orders directing the respondents therein to consider and dispose of the representation on merits and in accordance with law within a stipulated time and prays for similar order.

4. This Court heard submission of Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents.

5. Though the petitioners pray 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 them, directs the first respondent to consider and dispose of the petitioners' representation dated 04.10.2016 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 petitioners. The writ petition is disposed of accordingly. No costs.

03.01.2017

Index:Yes/No
Internet: Yes/No
vsi

To

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M.SATHYANARAYANAN.,J..

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