

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. Nos. 17123, 17204, 17205 and 17206 of 2017

G. Selvam	...Petitioner in W.P.No.17123/2017
S. Thangavelu	...Petitioner in W.P.No.17204/2017
T. Subramani	...Petitioner in W.P.No.17205/2017
C. Manickam	...Petitioner in W.P.No.17206/2017

Vs

1. The Controlling Authority and Assistant Commissioner of Labour, Salem.

The Management,
Tamil Nadu State Transport Corporation (Salem) Ltd
Dharmapuri Region
12, Ramakrishna Road
Salem
Rep by its General Manager

..2nd Respondent in
W.P.17123/17.

The Management,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Chennimalai Road,
Erode Region, Erode.
Rep by its General Manager,

...2nd Respondent in all Wps
17204 to 17206/17.

Prayer: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to pay the balance award amount and the (W.P. 17123/17.) accrued interest for the gratuity amount of Rs.8,70,733/-, Rs.3,54,360/-, Rs.4,47,042/- and Rs.4,11,584/- respectively at the rate of 10% per annum from 31.03.2015, 30.11.2012, 31.12.2013 and 31.07.2013 till the date of payment to the petitioner as per the award dated 04.11.2016/ (in W>P.17123/17)31.05.2016(in W.P. 17204 to 17206/17) passed in P.G.No.53/2015, G.A.No.188/2014, G.A.No.197/2014 and G.A.No.201/2014 by the 1st respondent within stipulated time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.C.C.Rangarajan (For R1)
Government Advocate
Mr.P.Kannan Kumar (For R2)

COMMON ORDER

These writ petitions are filed seeking direction to the second respondent to pay the balance award amount towards gratuity, if any and/or the accrued interest thereon to the respective petitioners within a stipulated time.

2. When the matter was taken up, it was fairly submitted by the learned Government Advocate appearing for the Tamil Nadu State Transport Corporation / second respondent that the issue is squarely covered by the decision of this Court in W.P.Nos.35101 to 35122 of 2015 (between Management of Tamil Nadu State Transport Corporation Ltd. vs. The Assistant Commissioner of Labour and Ors.) decided on 22.02.2016, wherein, while dismissing the writ petitions filed by the Management, this Court has issued the following direction in paragraph 9:

"9. In the light of the above, while dismissing the writ petitions, there will be a direction to the first respondent to disburse the amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) in proportion to the amount awarded for each workmen in the order dated 20.07.2015. The remaining amount payable to each of the workmen shall be deposited before the first respondent, within a period of five months from the date of receipt of this order and on such deposit, the first respondent is directed to disburse the same to each of the workmen. It is made clear that the amount to be deposited shall include the interest as computed by the first respondent at the rate of 10% p.a. In case of any difficulty faced by the workmen in implementing this order, liberty is granted to them to move this Court for further directions."

3. It appears that the appeals filed as against the abovesaid order are pending on the file of this Court. However, this Court, vide order dated 20.12.2016 in the said appeals, recorded the assurance given by the learned Additional Advocate General that he would ensure proper compliance in the matter.

4. In view of the aforesaid position, this Court is of the view that the grievance of the writ petitioners is squarely

covered by the order dated 22.02.2016 passed in W.P. Nos. 35101 to 35122 of 2015.

5. These writ petitions are, accordingly, allowed in terms of the aforesaid order. It is made clear that the second respondent/Management shall ensure proper compliance of the order of this Court and shall complete the exercise within a period of five months from the date of receipt of a copy of this order. There is, however, no order as to costs.

-s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

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To

1. The Controlling Authority and
Assistant Commissioner of Labour,
Salem.

2. The General Manager,
The Management,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Chennimalai Road,
Erode Region, Erode.

3. The General Manager
The Management,
Tamil Nadu State Transport
Corporation (Salem) Ltd
Dharmapuri Region
12, Ramakrishna Road
Salem

+4 Ccs to Mr.I.C. Vasudevan, Advocate sr 48013,48017,48016,48014.
+1 CC to Mr.P. Kannan Kumar, Advocate sr 48461.

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SP(02/08/2017)