



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. [MD].No.430 of 2017

A.Selvaraj : Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Labour Department, Fort.St.George,
Chennai 09.

2.The Managing Director,
Tamil Nadu State Transport Corporation ltd.,
Tirunelveli Division, Vannarpettai,
Tirunelveli District.

3.The Chief Accounts Officer/Managing Trustee,
TNSTC Gratuity Fund Trust,
TNSTC [Tirunelveli] Ltd.,
Tirunelveli 3.

4.The General Manager,
TNSTC, Nagercoil Region,
Ranithottam, Nagercoil - 629 001,
Kanyakumari District.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 20.01.2014 made in W.P.(MD).No.3746 of 2013, on the file of this Court.

Prayer in WP(MD)No.3746/2013:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in Letter No: Thani/VaVaiNi 1/ TNSTC (Tirunelveli/Nagercoil/2012 dated 09.12.2012 and quash the same as illegal ad consequently to direct the respondents No. 2 to 4 to provide the arrears of gratuity to the tune of Rs. 1,07,651/- with interest within the time stipulated by this Honourable Court and pass any further or other orders.



For Appellant : Mr.T.Lajapathi Roy
For Respondent No1. : Mr.V.Muruganantham
Additional Government Pleader
For Respondent Nos.2 to 4 : Mr.K.Sudalaiyandi
Standing Counsel

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant, Mr.V.Muruganantham, learned Additional Government Pleader, who appears and accepts notice on behalf of the first respondent and Mr.K.Sudalaiyandi, learned Standing Counsel, who appears and accepts notice for the respondents 2 to 4. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This appeal is directed against the order dated 20.01.2014 made in W.P[MD]No.3746 of 2013.

3. The appellant is not aggrieved by the entire order passed by the learned Single Judge, but only with regard to the interest, which was directed to be paid to him with interest at the rate of 6% per annum. The learned Single Judge, while disposing of the Writ Petition, directed the payment of gratuity payable to the appellant along with interest at the rate of 6% per annum within a stipulated time. The appellant seeks for interest at the rate of 10% per annum. It is not in dispute that so far as the delay in payment of gratuity under the provisions of the Payment of Gratuity Act, 1972, is concerned, it has to be paid along with interest at the rate of 10% per annum. The said rate of interest, being statutory in character, the appellant is entitled to interest at the rate of 10% per annum on the belated payment of gratuity.

4. In view of the above, the Writ Appeal is allowed, directing the respondents 2 to 4 to settle the arrears of gratuity amount to the appellant with interest at the rate of 10% per annum, within a period of four months from the date of receipt of a copy of this Judgment. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/



To

1.The Secretary to Government,
Labour Department, Fort.St.George,
Chennai 09.

2.The Managing Director,
Tamil Nadu State Transport Corporation ltd.,
Tirunelveli Division, Vannarpettai,
Tirunelveli District.

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Tirunelveli 3.

4.The General Manager,
TNSTC, Nagercoil Region,
Ranithottam, Nagercoil - 629 001,
Kanyakumari District.

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.53572

+One cc to Mr.K.Sudalaiyandi, Advocate, SR.No.53552

NB

RL/7C/3P/MR/3.5.2017

JUDGMENT MADE IN
W.A.[MD].No.430 of 2017

21.04.2017