



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2017

CORAM:

THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.A. (MD) No.634, 635, 636, 637, 638, 639, 640,
641, 642, 643, 644, 645, 646, 647, 648, 649, 650,
651, 652, 653, 654, 655, 656, 657 & 658 of 2017

and

C.M.P. (MD) Nos.5296, 5297, 5298, 5299, 5300,
5301, 5302, 5303, 5304, 5305, 5306, 5307, 5308,
5309, 5310, 5311, 5312, 5313, 5314, 5315, 5316,
5317, 5318, 5319, 5320, 5321, 5322, 5323, 5324,
5325, 5326, 5327, 5328, 5329, 5330, 5331, 5332,
5333, 5334, 5335, 5336, 5337, 5338, 5339, 5340,
5341, 5342, 5343 & 5344 of 2017

and

W.P. (MD) Nos.3308, 3309, 3310, 3312, 3313, 3314,
3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322,
3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330,
3331, 3332 & 3333 of 2017

and

W.M.P. (MD) Nos.2655, 2656, 2657, 2658, 2659,
2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669,
2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677,
2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685,
2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693,
2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701,
2702, 2703, 2704 & 2705 of 2017

- | | |
|-----------------------|-----------------------------------|
| 1)M.Paul Loganathan | ...Appellant in WA(MD)No.634/2017 |
| 2)G.Chandran | ...Appellant in WA(MD)No.635/2017 |
| 3)P.Rajendran Pandian | ...Appellant in WA(MD)No.636/2017 |
| 4)S.Selvaraj | ...Appellant in WA(MD)No.637/2017 |
| 5)K.Rajaram | ...Appellant in WA(MD)No.638/2017 |
| 6)K.Kulasekarapandian | ...Appellant in WA(MD)No.639/2017 |
| 7)T.Samayamuthu | ...Appellant in WA(MD)No.640/2017 |
| 8)V.Chelladurai | ...Appellant in WA(MD)No.641/2017 |
| 9)V.Subbiah | ...Appellant in WA(MD)No.642/2017 |
| 10)M.Elango | ...Appellant in WA(MD)No.643/2017 |
| 11)A.Palanivel | ...Appellant in WA(MD)No.644/2017 |
| 12)V.Nagasubramanian | ...Appellant in WA(MD)No.645/2017 |
| 13)S.Arul Perumjothi | ...Appellant in WA(MD)No.646/2017 |
| 14)M.Siva Swamynathan | ...Appellant in WA(MD)No.647/2017 |
| 15)K.Karuppasamy | ...Appellant in WA(MD)No.648/2017 |
| 16)A.Kannan | ...Appellant in WA(MD)No.649/2017 |
| 17)V.Ramasamy | ...Appellant in WA(MD)No.650/2017 |



18) S. Subramanian	...Appellant in WA(MD) No. 651/2017
19) M. Marimuthu	...Appellant in WA(MD) No. 652/2017
20) M. Natarajan	...Appellant in WA(MD) No. 653/2017
21) S. Ravichandran	...Appellant in WA(MD) No. 654/2017
22) V. Sankar	...Appellant in WA(MD) No. 655/2017
23) P. Marimuthu	...Appellant in WA(MD) No. 656/2017
24) P. Subramanian	...Appellant in WA(MD) No. 657/2017
25) R. Prem Kumar	...Appellant in WA(MD) No. 658/2017

-vs-

1. The Management

Tamil Nadu State Transport Corporation
(Madurai) Limited
Madurai Region, Bye Pass Road
Madurai-625 010

2. The Controller under Payment

of Gratuity Act
Assistant Commissioner of Labour
Madurai-625 002

... Respondents 1 and 2 in all
the Writ Appeals

1) Prayer in WA(MD). 634/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Order in WMP(MD). No. 2655 of 2017 in WP(MD). No. 3308 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2655/ 2017 :

Petition filed under Article 226 of Constitution of India, to Stay the award of 1st respondent the Controller under the payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.1/2015 dated 28.10.2016 pending disposal of the WP and thus render justice.

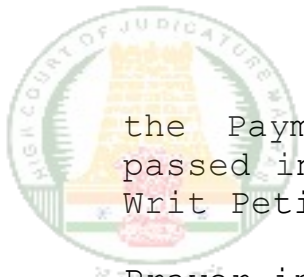
PRAYER (in W.P.(MD) No.3308 of 2017) : Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the first respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.1/2015, dated 28.10.2016, quash the same and consequently directing the petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd respondent and to grant such further or other orders as this Hon'ble Court may deem fit.

2) Prayer in WA(MD). 635/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD). No. 2657 of 2017 in WP(MD). No. 3309 of 2017 dated 27/02/2017.

<https://hcservices.gov.in/hcservices/> W.P.(MD). 2657/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under



the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.3/2015 dated 28.10.2016 pending disposal of the Writ Petition and thus render justice.

Prayer in WP(MD). 3309/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamous, calling for the records from the 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.3/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd Respondent and to grant such further or other orders as this Hon'ble Court.

3) Prayer in WA(MD). 636/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD).No.2659 of 2017 in WP (MD).No.3310 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2659/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No. 4/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3310/ 2017 :

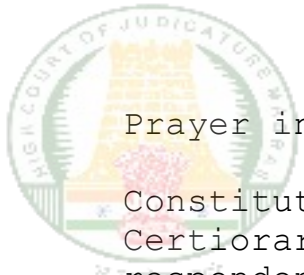
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records from the 1st Respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.4/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly instalments to the 2nd Respondent.

4) Prayer in WA(MD). 637/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD).No.2663 of 2017 in WP(MD). No.3312 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2663/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.9/2015 dated 28.10.2016 pending disposal of the Writ Petition and thus render justice.



Prayer in WP(MD). 3312/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.9/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd Respondent and to grant such further or other orders as this Hon'ble Court.

5) Prayer in WA(MD). 638/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD).No.2665 of 2017 in WP(MD). No.3313 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2665/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No. 10/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3313/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st Respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No. 10/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to pay 6% interest on the gratuity for the belated period.

6) Prayer in WA(MD). 639/ 2017 :

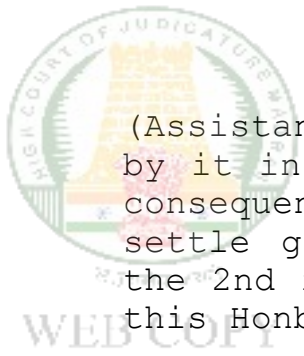
Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD).No.2667 of 2017 in WP (MD).No.3314 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2667/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.11/2015 dated 28.10.2016 pending disposal of the WP and thus render justice.

Prayer in WP(MD). 3314/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent the Controller under the payment of Gratuity Act



(Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.11/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly instalments to the 2nd respondent and to grant such further or other orders as this Honble Court may deem fit.

7) Prayer in WA(MD). 640/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD).No.2669 of 2017 in WP (MD).No.3315 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2669/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.13/2015 dated 28.10.2016 pending disposal of the Writ Petition and thus render justice.

Prayer in WP(MD). 3315/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records from the 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.13/2015 dated 28.10.2016 and quash the same and to grant such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

8) Prayer in WA(MD). 641/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2671 of 2017 in WP(MD) No.3316 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2671/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No. 14/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3316/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st Respondent The Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No. 14/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation of settle gratuity with 6% interest in 12 monthly installments to the 2nd Respondent.



9) Prayer in WA(MD). 642/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2673 of 2017 in WP(MD) No.3317 of 2017 dated 27/02/2017.

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Prayer in WMP(MD). 2673/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.15/2015 dated 28.10.2016 pending disposal of the WP and thus render justice.

Prayer in WP(MD). 3317/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent the Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.15/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly instalments to the 2nd respondent and to grant such further or other orders as this Honble Court may deem fit.

10) Prayer in WA(MD). 643/ 2017 :

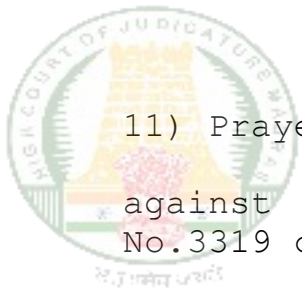
Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2675 of 2017 in WP(MD) No.3318 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2675/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of the 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.16/2015 dated 28.10.2016 pending disposal of the Writ Petition and thus render justice

Prayer in WP(MD). 3318/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.16/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd respondent and to grant such further or other orders as this Honourable Court.



11) Prayer in WA(MD). 644/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2677 of 2017 in WP(MD) No.3319 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2677/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No. 18/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3319/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st Respondent The Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No. 18/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation of settle gratuity with 6% interest in 12 monthly installments to the 2nd Respondent.

12) Prayer in WA(MD). 645/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2679 of 2017 in WP(MD) No.3320 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2679/ 2017 :

Petition filed under Article 226 of Constitution of India to stay the award of 1st respondent the Controller under the payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.19/2015 dated 28.10.2016 pending disposal of the WP and thus render justice.

Prayer in WP(MD). 3320/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent the Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.19/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly instalments to the 2nd respondent and to grant such further or other orders as this Honble Court may deem fit.

13) Prayer in WA(MD). 646/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2681 of 2017 in WP(MD) No.3321 of 2017 dated 27/02/2017.



Prayer in WMP(MD). 2681/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.20/2015 dated 28.10.2016 pending disposal of the Writ Petition and thus render justice .

Prayer in WP(MD). 3321/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.20/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd Respondent and to grant such further or other orders as this Honble Court.

14) Prayer in WA(MD). 647/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2683 of 2017 in WP(MD) No.3322 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2683/ 2017 :

Petition filed under Article 226 of Constitution of India to stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No. 21/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3322/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records from the 1st Respondent The Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No. 21/2015 dated 28.10.2016 and quash the same.

15) Prayer in WA(MD). 648/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2685 of 2017 in WP(MD) No.3323 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2685/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner of Labour) passed in P.G.No.22/2015 dated 28.10.2016 pending disposal of the WP and thus render justice



Prayer in WP(MD). 3323/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent The Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.22/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly instalments to the 2nd respondent and to grant such further or other orders as this Hon'ble Court may deem fit.

16) Prayer in WA(MD). 649/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2687 of 2017 in WP (MD)No.3324 of 2017 dated 27/02/2017.

Prayer in WMP(MD). 2687/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner of Labour) passed in P.G.No.23/2015 dated 28.10.2016 pending disposal of the writ petition

Prayer in WP(MD). 3324/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent The Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.23/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd Respondent .

17) Prayer in WA(MD). 650/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD) No.2689 of 2017 in W.P (MD) No.3325 of 2017 dated 27.2.2017

Prayer in WMP(MD). 2689/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No. 24/2015 dated 28.10.2016 pending disposal of the Writ Petition.

<https://hcservices.gov.in/hcservices> Prayer in WP(MD). 3325/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Certiorarified Mandamus calling for the records from the 1st Respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No. 24/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 Monthly installments to the 2nd Respondent.

18) Prayer in WA(MD). 651/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD) No.2691 of 2017 in W.P (MD) No.3326 of 2017 dated 27.2.2017

Prayer in WMP(MD). 2691/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner of Labour) passed in P.G.No.25/2015 dated 28.10.2016 pending disposal of the writ petition .

Prayer in WP(MD). 3326/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent The Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.25/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly instalments to the 2nd Respondent.

19) Prayer in WA(MD). 652/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD) No.2693 of 2017 in W.P(MD) No.3327 of 2017 dated 27.2.2017.

Prayer in WMP(MD). 2693/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) passed in P.G.No.26/2015 dated 28.10.2016 pending disposal of the above Writ Petition and thus render justice .

Prayer in WP(MD). 3327/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent The Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.26/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to



settle gratuity with 6% interest in 12 monthly installments to the 2nd respondent and to grant such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case.

20) Prayer in WA(MD). 653/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD) No.2695 of 2017 in W.P (MD) No.3328 of 2017 dated 27.2.2017

Prayer in WMP(MD). 2695/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner of Labour) passed in P.G.No.27/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3328/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent The Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.27/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd Respondent.

21) Prayer in WA(MD). 654/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD) No.2697 of 2017 in W.P(MD) No.3329 of 2017 dated 27.2.2017

Prayer in WMP(MD). 2697/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner of Labour) passed in P.G.No.28/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3329/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent The Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.28/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd respondent .

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD) No.2699 of 2017 in WP(MD) No.3330 of 2017 dated 27.2.2017.

Prayer in

Prayer in WP (MD) . 3330/ 2017 :

23) Prayer in WA(MD) . 656/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD) No.2701 of 2017 in W.P(MD) No.3331 of 2017 dated 27.2.2017

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner of Labour) passed in P.G.No.30/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus calling for the records from the 1st respondent The Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.30/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd respondent .

24) Prayer in WA (MD) . 657/ 2017 :

<https://hcservices.ecourts.gov.in/Services/> Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD)No.2703 of 2017 in W.P(MD) No.3332 of 2017 dated 27.2.2017



Prayer in WMP(MD). 2703/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner of Labour) passed in P.G.No.32/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3332/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent the Controller under the payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.32/2015 dated 28.10.2016 and quash the same and consequently directing the petitioner Transport Corporation to pay 6% interest on the gratuity for the belated period.

25) Prayer in WA(MD). 658/ 2017 :

Writ Appeal filed under Clause 15 of the Letter Patent against the Orders passed in WMP(MD) No.2705 of 2017 in W.P (MD) No.3333 of 2017 dated 27.2.2017

Prayer in WMP(MD). 2705/ 2017 :

Petition filed under Article 226 of Constitution of India to Stay the award of 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner of Labour) passed in P.G.No.34/2015 dated 28.10.2016 pending disposal of the Writ Petition.

Prayer in WP(MD). 3333/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the 1st respondent the Controller under the Payment of Gratuity Act (Assistant Commissioner Labour) regarding impugned award passed by it in P.G.No.34/2015 dated 28.10.2016 and quash the same and consequently directing this petitioner Transport Corporation to settle gratuity with 6% interest in 12 monthly installments to the 2nd respondent and to grant such further or other orders as this Hon'ble Court.

For Appellant in all WA's : Mr.C.Thangamani

For Respondents in all WA's : Mr.A.Jeyaraman

C O M M O N J U D G M E N T

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

<https://hcservices.eas.gov.in/hcservices/> Heard by Mr.C.Thangamani, learned counsel appearing for the appellants and Mr.A.Jeyaraman, learned counsel, who accepts notice on behalf of the first respondent in all the writ appeals.



2. With the consent of both sides, the writ petitions are also taken up for final disposal along with the writ appeals at the admission stage itself.

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3. These writ appeals are directed against the common interim order, dated 27.02.2017, granted in W.P.(MD) Nos.3308 to 3333 of 2017, wherein the Writ Court granted permission for the respondent - Transport Corporation to pay the gratuity amount to the appellants / employees in installments.

4. The appellants / employees are before us challenging the said interim order contending that the writ petitions are not maintainable challenging an order passed under the provisions of the Payment of Gratuity Act, 1972, the remedy available to the respondent - Transport Corporation, who is aggrieved by the order passed by the Controlling Authority computing the gratuity amount payable, is to prefer appeal and the mandatory pre-condition being that the entire gratuity amount so computed is to be deposited before the appeal can be entertained. Thus, in the light of the statutory embargo, the writ petitions are not maintainable.

5. The learned counsel appearing for the respondent - Transport Corporation would submit that the Transport Corporation is under severe financial crunch and taking note of the same, the Division Bench of this Court in the case of *K.Rajendran and others vs. The Tamil Nadu State Transport Corporation (Madurai) Ltd., and others*, W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015, permitted the respondent - Transport Corporation to settle the terminal benefits of the appellants therein in twelve equal monthly installments, carrying interest at 6% per annum.

6. It may be true that the Division Bench has granted such a reprieve, but the matter pertains to payment of terminal benefits payable to retired employees. In the case on hand, what is required to be paid to the employees is gratuity amount, which has been computed by the Controlling Authority vide common order, dated 28.10.2016. Therefore, the writ petitions are held not maintainable and accordingly, they are dismissed and the interim order, dated 27.02.2017, granted in these writ petitions are hereby vacated and the writ appeals are allowed.

7. Considering the plea raised by the learned counsel for the respondent - Transport Corporation that the Transport Corporation is under severe financial crisis and they would require some time for settlement of gratuity amount, we grant liberty to the respondent - Corporation to approach the Controlling Authority



under the provisions of the Payment of Gratuity Act, 1972 for necessary relief in this regard. No costs. Consequently, connected miscellaneous petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar(C.O)

Sub-Assistant Registrar

+One cc to Mr.A.Jeyaram, Advocate, SR.No.61545

+One cc to Mr.C.Thangamani, Advocate, SR.No.61263

krk

RL/3C/15P/SAR1/19/7/2017

W.A.(MD) No.634, 635, 636, 637,
638, 639, 640, 641, 642, 643, 644,
645, 646, 647, 648, 649, 650, 651,
652, 653, 654, 655, 656, 657
& 658 of 2017

and

C.M.P.(MD) Nos.5296, 5297, 5298, 5299,
5300, 5301, 5302, 5303, 5304, 5305,
5306, 5307, 5308, 5309, 5310, 5311,
5312, 5313, 5314, 5315, 5316, 5317,
5318, 5319, 5320, 5321, 5322, 5323,
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5330, 5331, 5332, 5333, 5334, 5335,
5336, 5337, 5338, 5339, 5340, 5341,
5342, 5343 & 5344 of 2017

and

W.P.(MD) Nos.3308, 3309, 3310, 3312,
3313, 3314, 3315, 3316, 3317, 3318,
3319, 3320, 3321, 3322, 3323, 3324,
3325, 3326, 3327, 3328, 3329, 3330,
3331, 3332 & 3333 of 2017

and

W.M.P.(MD) Nos.2655, 2656, 2657, 2658,
2659, 2662, 2663, 2664, 2665, 2666,
2667, 2668, 2669, 2670, 2671, 2672,
2673, 2674, 2675, 2676, 2677, 2678,
2679, 2680, 2681, 2682, 2683, 2684
2685, 2686, 2687, 2688, 2689, 2690,
2691, 2692, 2693, 2694, 2695, 2696,
2697, 2698, 2699, 2700, 2701, 2702,
2703, 2704 & 2705 of 2017

21.06.2017