

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.3329 of 2013

D.Periyasamy

....

Petitioner

Vs

1.The Management

Tamilnadu State Transport Corporation Ltd
No.37, Mettupalayam Road
Coimbatore.

2. The Assistant Commissioner of Labour

Authority under Payment of Gratuity Act
Dr.Balasundaram Road, Coimbatore-18.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to recover the gratuity amount from the first respondent upon Form T filed by the petitioner dated 10.10.2012 in G.A.No.82 of 2011 order dated 31.08.2012 on the file of the second respondent.

For Petitioner : Mr.Saravanabhavan

For Respondents : Mr.P.Kannan Kumar, Senior Counsel - for R1

Mr.N.Srinivasan - for R2

सत्यमेव जयते
O R D E R

This writ petition has been filed by the workman. He joined as driver in the first respondent corporation on 13.09.1986 and after 25 years of service, he retired on 31.05.2011 on attaining superannuation. As the respondent did not release the gratuity amount due to the petitioner, he filed I.D.No.202 of 1998 before the second respondent / labour court. The labour court allowed the aforesaid I.A.No.202 of 1998, which was challenged by the first respondent corporation in W.P.No.11997 of 2005. This Court, by order dated 11.04.2005 in W.M.P.No.13103 of 2005 granted interim stay subject to the deposit of the entire amount of Rs.4,79,000/- awarded by the labour court in I.D.No.202 of 1998, and while making the interim stay absolute, by an order

dated 08.12.2005, had permitted the workman / petitioner herein to withdraw 50% of the amount deposited by the first respondent corporation. Therefore, in view of the above order of this Court, the second respondent / labour court had directed the first respondent corporation to release the gratuity amount of Rs.2,84,755/- to the petitioner vide its order dated 31.08.2012.

2. Even after the aforesaid order, the first respondent had not released the gratuity amount permitted to be withdrawn by the petitioner and the petitioner has sent a representation dated 12.09.2012 and that has made the petitioner / workman to file the present writ petition for appropriate direction to the first respondent.

3. When the matter is taken up for hearing today, The proceedings of the Transport Corporation dated 26.03.2013 is filed before this Court. As per the above proceedings, the Transport Corporation has deposited the amount awarded in G.A.No.82 of 2011 along with interest amounting to Rs.3,26,282/- (Rupees Three Lakhs Twenty Six Thousand Two Hundred and Eighty Two only) vide Cheque No.661995 dated 07.12.2012, before the Assistant Commissioner of Labour and the petitioner is entitled to withdraw the same.

2. Even though the aforesaid proceedings refers that there is some appeal proceedings pending before the Joint Commissioner of Labour, it is represented that no such proceedings is pending and that there is no impediment for the workman to withdraw the amount deposited by the first respondent corporation. Accordingly, the writ petition is closed in terms of the above proceedings of the first respondent corporation dated 26.03.2013. No costs.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

kst

To

1.The Management
Tamilnadu State Transport Corporation Ltd
No.37, Mettupalayam Road
Coimbatore.

2. The Assistant Commissioner of Labour
Authority under Payment of Gratuity Act
Dr.Balasundaram Road, Coimbatore-18.

+1cc to Mr.G.B.Saravanabhavan, Advocate SR.No.63100

+1cc to Mr.P.Kannankumar, Advocate SR.No.63782

+1cc to Government Pleader SR.No.65478

W.P.No.3329 of 2013

GMV (08/10/2018)



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