

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.32685 of 2018

1. B.Govindasamy
2. T.Ramamoorthy
3. K.Shanmugam
4. S.Mani
5. A.Elangovan
6. S.Pandurangan
7. A.Radhakrishnan
8. A.Pannerselvam
9. R.Purusothaman
10. R.Narayanasamy
11. S.Arunachalam
12. R.Kanniappan
13. V.Nagarathinam
14. P.Selvaraj
15. A.Agmil Basha
16. N.Kumaresan
17. A.Mohan
18. M.Jayavel
19. S.Selvaraj
20. C.Rajendran
21. V.Mohan
22. J.Nagarajan
23. M.Jayasankaran

... Petitioners

versus

1. The General Manager (Administration)
Tamilnadu Civil Supplies Corporation
Ltd., (Head Office)
No.12, Thambusamy Road
Kilpauk,
Chennai - 600 010.
2. The Managing Director,
Tamilnadu Civil Supplies Corporation
Ltd., (Head Office)
No.12, Thambusamy Road
Kilpauk,
Chennai - 600 010.

3. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
District Co-operative Spinning Mill,
Kamaraj Nagar Colony,
Ammamet, Salem.
 4. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
No.9, Conrsmith Road,
Gopalapuram,
Chennai - 600 086.
 5. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
P.B.No.64, 1/12, Chennai Road,
Villupuram - 605 602.
 6. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
No.567, Sidco Complex,
Vengikkal Vellore Road,
Thiruvannamalai - 606 604.
 7. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
No.109-B, Salem Road,
Namakkal.
 8. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
Chennai bye pass Road,
Godown Complex,
Krishnagiri.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the respondents 1 to 9 to consider the representation dated 04.09.2017, 01.09.2018, 03.09.2018, 10.09.2018, 29.09.2018, 05.10.2018, 01.10.2018 and 29.10.2018 made by the petitioners before the respondents in 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

ORDER

The petitioners were originally recruited as Shop Assistant / Trainee Bill Clerks under the service of the Tamil Nadu Civil Supplies Corporation Ltd. during the year 1978-87 in the Amudham Village Fair Price Shop in Thiruvannamalai, Cuddalore, Chennai, Chidambaram, Villupuram, Puducherry, Dharmapuri and Krishnagiri District under the scheme, Corporation of Retail Trading Development Training Programme. In terms of G.O.Ms.No.1204, Co-operative Food and Consumer Production (Department) dated 11.08.1987, the said Fair Price Shops have been transferred to Co-operative Society from 01.10.1987 by giving option to the petitioners and other similarly placed persons either to come under Co-operative Society or to remain in the services of the Tamil Nadu Civil Supplies Corporation. But the petitioners remained in the services of the Tamil Nadu Civil Supplies Corporation and as such, they have been absorbed as Packers in the years 1989 and subsequently, promoted as Bill Clerks, Superintendent, etc. After attaining superannuation, the period of service rendered by the petitioners as "Trainee" was not taken into account for the purpose of calculation of gratuity amount for the petitioners. Aggrieved over the same, similarly placed persons approached the Authority constituted under the Payment of Gratuity Act, who in turn directed the Corporation to pay gratuity for the service rendered by the petitioners therein as Trainee and Bill Clerks. Seeking similar relief, the petitioners submitted representations before the respondents on various dates. As the said representations have not been considered so far, the present writ petition has been filed.

2. The learned counsel for the petitioners also relies upon the earlier order passed by this Court in W.P.No.60 of 2017 dated 03.01.2017, under which the respondents therein have been directed to consider the representation of the petitioners therein and to dispose of the same, in accordance with law, within a period of eight weeks from the date of receipt of a copy of the order. The learned counsel for the petitioners submitted that the interest of the petitioner would also be served only by passing similar orders.

3. The learned Special Government Pleader appearing for the respondents also conceded that the respondents will consider the petitioners' representations, in accordance with law.

4. Under such circumstance, the respondents are directed to consider the petitioners' representation in the light of the

earlier order passed by this Court in W.P.No.60 of 2017 dated 03.01.2017 and to pass orders thereon, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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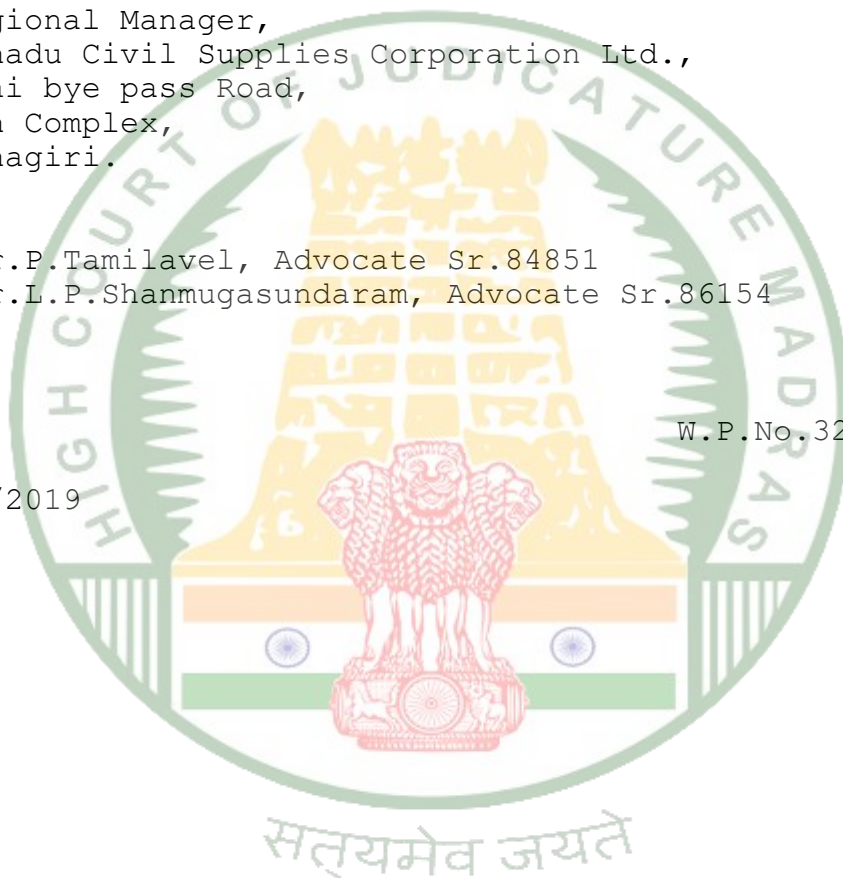
8. The Regional Manager,
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Godown Complex,
Krishnagiri.

+1cc to Mr.P.Tamilavel, Advocate Sr.84851

+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.86154

W.P.No.32685 of 2018

srg 08/01/2019



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