



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.15651 of 2014

R.Sivagnanam

... Petitioner

Vs.

1. The Joint Commissioner of Labour,
Controlling Authority under Payment
of Gratuity Act,
1st Floor, TNHB Building,
Ellis Nagar, Madurai.
2. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
12, Thampusamy Road, Kilpauk, Chennai - 10.
3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Sivagangai Region,
Collectorate Complex,
Sivagangai.

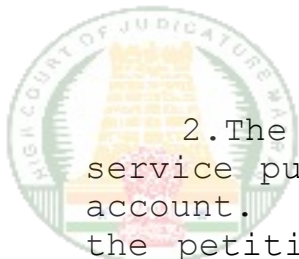
... Respondents

Prayer: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records to the impugned order passed by the 1st respondent in P.G.A.No.14 of 2012 dated 30.10.2013 and quash the same and direct the 2nd respondent to consider the petitioner's 8 years service already rendered in Civil Supplies Department and sanction the remaining the gratuity amount of Rs.78,762/- with interest.

For petitioner	: Mr.S.Satheesh Kumar
For Respondents	: Mr.R.Vijayakumar for RR2 & 3 Mr.K.Saravanan, G.A. For R1

ORDER

The petitioner was employed in Civil Supplies Department from 1967 - 1973. Sometime in 1973, the petitioner moved over to Tamil Nadu Civil Supplies Corporation and retired therefrom in the year 2001. The third respondent Corporation paid the gratuity amount payable to the writ petitioner for the period of service put in by the petitioner under them.



2.The grievance of the petitioner is that the period of service put in by him from 1967 - 1973 should also be taken into account. Since the Tamil Nadu Civil Supplies Corporation denied, the petitioner moved the Controlling Authority under the Payment of Gratuity Act, 1972. The petitioner's case was negatived. On appeal also, the petitioner could not succeed. Hence, this writ petition.

3.Heard the learned counsel on either side.

4.This Court is of the view that the authorities are clearly right in holding that the Corporation can be held liability to pay gratuity only for the period for which the petitioner continuously served under them. The corporation cannot be directed to pay the gratuity for the period for which the petitioner did not put in service.

5.The learned counsel for the petitioner would rely on the order dated 03.09.1981 passed by the Assistant Secretary to the Commissioner of Civil Supplies Department and submit that the case on hand is more or less similar. This contention is not correct. In the case of Kalyana Sundari relied on by the petitioner, it was the department had settled the gratuity dues of the said employee. The authorities under the Act did not pass any order. Preserving the right of the petitioner to move the concerned department to work out his rights in accordance with law, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Joint Commissioner of Labour,
Controlling Authority under Payment
of Gratuity Act,
1st Floor, TNHB Building, Ellis Nagar, Madurai.

+1. CC to Special Government Pleader, SR.No.46546

+1. CC to M/S.S.Satheesh Kumar, Advocate SR.No.46627

+1. CC to M/S.R.Vijayakumar Advocate SR.No.46325

W.P. (MD) No.15651 of 2014
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Arul