



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4090 of 2015
and
M.P. (MD) No.1 of 2015

The Management,
Tamil Nadu State Transport Corporation Ltd,
Madurai Region,
Bye Pass Road,
Madurai-625 016.

... Petitioner

Vs.

1. The Assistant Commissioner of Labour,
The Controlling Authority,
Payment of Gratuity Act,
Madurai.

2. R.Alagarsamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent dated 07.08.2014 passed in his proceedings in P.G.I.A.No.87 of 2012 & 8 of 2013, quash the same.

For Petitioner : Mr.A.Jeyaram
For R2 : Mr.S.Govindan

ORDER

The second respondent herein was an employee of Tamil Nadu State Transport Corporation Ltd., Madurai Region, Madurai. He retired from service on 31.05.2010. Since, his gratuity dues were not settled he filed an application before the Controlling Authority under the Payment of Gratuity Act. There was, however, a delay in filing the said application. The authority chose to condone the delay and take up the matter on merits. After hearing both sides, the authority directed the management to pay the sum of Rs.79,204/- which represents the interest for the belated payment. The management was also directed to disburse the sum of Rs.26,840/- which according to the authority could not have been withheld. The said order dated 07.08.2014 passed by the Controlling Authority is

challenged by this writ petition at the instance of the management.

2. Heard the learned counsel on either side.

3. It is not in dispute that there was a delay in disbursing the gratuity benefits to the second respondent herein. As per the Central Government notification issued under Section 7(3)(a) of the Act in S.O.874, the belated payment would carry 10% interest. That is exactly what has been awarded by the authority concerned.

4. Therefore, I do not propose to interfere with the order awarding interest in favour of the employee. However, I am of the view that when the employee himself admits having availed marriage advance, the management cannot be directed to pay the said amount of Rs.26,840/-. Therefore, the impugned order is modified and the direction to pay the sum of Rs.26,840/- is set aside and all other directions in the award is sustained.

5. Accordingly, this writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 97760
- + 1 CC TO Mr.S.GOVINDAN, ADVOCATE IN SR No. 97666
- + 1 CC TO Mr.A.JEYARAM, ADVOCATE IN SR No. 97684

PNN

TE/BK/SAR-4 : 24/12/2018 : 2P/4C

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