



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.59 of 2015

P.Govindarajan

... Petitioner

Vs.

1.The Secretary to Government,
Transport Department,
Secretariate,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd., Bye Pass Road,
Madurai-625 016.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for Writ of Certiorarified Mandamus to call for the records connected with the impugned order passed by the 1st respondent in his letter No.10710/D2/2014, dated 23.09.2014 and quash the same and consequently direct the respondents to revise the petitioner gratuity based on the revised scale of pay and based on the increased maximum ceiling of gratuity from 3.50 lakhs to 10.00 lakhs as provide in the G.O.Ms.No.235 / Finance (PC) Department dated 01.06.2009 and to settle the same.

For Petitioner : Mr.S.Govindan

For R1 : Mr.J.Gunaseelan Muthaiah
Additional Government Pleader

For R2 : Mr.A.P.Muthupandian

ORDER

This writ petition has been filed seeking to quash the order of the first respondent in his letter No.10710/D2/2014, dated 23.09.2014 and for a consequential direction to the respondents to revise the petitioner's gratuity based on the revised scale of pay and based on the increased maximum ceiling of gratuity from 3.50 lakhs to 10.00 lakhs as provided in G.O.Ms.No.235 / Finance (PC) Department dated 01.06.2009 and to settle the same.

2.Heard the learned counsel for the petitioner.

3.The petitioner seeks ceiling gratuity amount on par with the Government servant as per G.O.Ms.235 / Finance (PC) Department dated 01.06.2009, wherein the gratuity limit has been enhanced



from 3.50 lakhs to 10.00 lakhs.

4.The learned counsel appearing for the respondent would submit that the said Government Order is not applicable to the petitioner herein, since he is governed by the Trust under the Employees Gratuity Fund Trust Rules. As far as the staff of the Transport Department is concerned, implementation of enhancing gratuity limit from Rs.3.50 lakhs to 10.00 lakhs came into force only after 24.05.2010. The impugned order passed by the Principal Security to the Government clearly indicates that the petitioner herein is governed by the Trust rules of the Transport Corporation Employees (all category including officers).

5.Since the revision of gratuity payment from 3.50 lakhs to 10 lakhs, was gazetised on 18.05.2018 and was duly amended in the Gratuity Act with effect from 24.05.2010, the petitioner herein cannot seek advantage of G.O.235, Finance (PC) Department dated 01.06.2009, which is not applicable to the staff of the Transport Corporation. This Court is in agreement with the said submission. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

+1 CC To MR.S.GOVINDAN, Advocate SR. NO. 96392

**W.P(MD)No.59 of 2015
22.11.2018**

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