



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 2260 to 2264 of 2017
and

W.M.P. (MD) Nos. 18135, 19314 to 19317 of 2017

R. RAJENDRAN	... Petitioner in WP (MD) No. 2260/ 2017
R. DHARMALINGAM	... Petitioner in WP (MD) No. 2261/ 2017
S. JAMES ANTONY PETER	... Petitioner in WP (MD) No. 2262/ 2017
M. SUBRAMANIAN	... Petitioner in WP (MD) No. 2263/ 2017
V. NAGARAJAN	... Petitioner in WP (MD) No. 2264/ 2017

Vs.

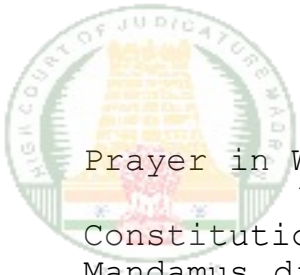
1. The District Collector,
Trichy District,
Trichy.

2. The Controlling Authority/The Assistant
Commissioner of Labour,
(The Authority under the Payment of Gratuity Act, 1972),
Office of the Deputy Commissioner of Labour,
Trichy.

3. The Management of Tamilnadu State Transport
Corporation (Kumbakonam) Ltd,
Trichy Region,
Represented by its, General Manager,
Trichy. ... Respondents in WP (MD) Nos. 2260 to 2264/2017

Prayer in WP (MD) No. 2260/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to issue certificate U/S 8 of payment of Gratuity Act to the 1st Respondent to recover the interest amount for the delayed payment of gratuity amount of Rs. 3,86,183/- for the period from 01.06.11 to 30.12.13 at the rate of 10% p.a. from the 3rd respondent as ordered by the 2nd respondent in his order dated 15.07.2016 in P.G.No.32/14 and further directing the 1st respondent to recover such amount from the 3rd respondent within a period of time as may be fixed by this Hon'ble Court.



Prayer in WP(MD). 2261/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to issue certificate U/S 8 of payment of Gratuity Act to the 1st Respondent to recover the interest amount for the delayed payment of gratuity amount of Rs.3,74,763/- for the period from 27.08.11 to 30.12.13 at the rate of 10% p.a. from the 3rd respondent as ordered by the 2nd respondent in his order dated 15.07.2016 in P.G.No.35/2014 and further directing the 1st respondent to recover such amount from the 3rd respondent within a period of time as may be fixed by this Hon'ble Court.

Prayer in WP(MD). 2262/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to issue certificate U/S 8 of payment of Gratuity Act to the 1st Respondent to recover the gratuity amount of Rs.18,046/- together with interest at the rate of 10% p.a. from 01.05.12 from the 3rd respondent as ordered by the 2nd Respondent in his order dated 15.07.2016 in P.G.No.40/2014 and further directing the 1st respondent to recover such amount from the 3rd respondent within a period of time as may be fixed by this Hon'ble Court.

Prayer in WP(MD). 2263/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to issue certificate U/S 8 of Payment of Gratuity Act to the 1st Respondent to recover the gratuity amount of Rs.18,480/-, together with interest at the rate of 10% p.a. from 01.11.12, from the 3rd respondent as ordered by the 2nd Respondent in his order dated 15.07.2016 in P.G.No.48/2014 and further directing the 1st respondent to recover such amount from the 3rd respondent, within a period of time as may be fixed by this Hon'ble Court.

Prayer in WP(MD). 2264/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to issue certificate U/S 8 of payment of Gratuity Act to the 1st Respondent to recover the gratuity amount of Rs.18,794/- together with interest at the rate of 10% p.a. from 30.04.13, from the 3rd respondent as ordered by the 2nd respondent in his order dated 15.07.2016 in P.G.No.110/2016 and further directing the 1st respondent to recover such amount from the 3rd respondent within a period of time as may be fixed by this Hon'ble Court.



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For petitioner : Mr.S.Arunachalam
For R-1 and R-2 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For R-3 : Mr.D.Sivaraman
(in all Writ Petitions)

C O M M O N O R D E R

The writ petitioners are retired employees of the third respondent Transport Corporation. The gratuity amounts payable to them were not disbursed. They, therefore, filed application before the second respondent herein and orders were passed, directing to pay the gratuity amount due to the writ petitioners with interest at the rate of 10% per annum.

2. Aggrieved by the same, the Management/third respondent herein filed an appeal before the Appellate Authority, namely, the Joint Commissioner of labour, Thiruchirapalli. The appeals are still pending as-on-date.

3. In the meanwhile, these writ petitions have been filed for directing the second respondent to issue recovery certificate from the first respondent so as to enable the recovery of the said amount. Since the appeal filed by the third respondent are pending before the Appellate Authority/Joint Commissioner of labour, Thiruchirapalli, the second respondent cannot issue the recovery certificate for the present. However, the third respondent cannot indefinitely delay the matter by citing the pendency of the appeals.

4. The scope of the appeal is confined to the rate of interest alone. Therefore, the Appellate Authority, namely, Joint Commissioner of Labour, Thiruchirapalli, is directed to dispose of the appeals filed by the third respondent in respect of the petitioners on or before 28.02.2018. Thereafter, the second respondent is directed to issue the recovery certificate based on the outcome of the appeals filed by the third respondent without delay, in any event within a period of four weeks from the date of receipt of the order copy of the Appellate Authority.

5. This Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CSI)

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To: **श्री ॥**

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Trichy District, Trichy.

2.The Controlling Authority/The Assistant
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(The Authority under the Payment of Gratuity Act, 1972),
The Office of Deputy Commissioner of Labour,
Trichy.

3.The General Manager
Management of Tamilnadu State Transport
Corporation (Kumbakonam) Ltd,
Trichy Region, Trichy.

+5 ccs to Mr.D.Sivaraman, Advocate, SR.Nos.40852, 40853 to 40856

+One cc to Mr.S.Arunachalam, Advocate, SR.No.40877

+One cc to The Special Government Pleader, SR.No.40798

kmi

RL/11C/4P/SV/MMS/SAR1/23/1/2018

ORDER MADE IN
W.P. (MD) Nos.2260 to 2264 2017
05/01/2018