

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 02.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.10421 of 2019

D.Aravazhi

...Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai - 600 002.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the respondent Corporation to pay a sum of Rs.24,648/- and a sum of Rs.6,643/- forthwith to the petitioner, as per the order made in P.G.No.129 of 2014 dated 30.09.2014 on the file of the Assistant Commissioner, Labour Court, Chennai, along with interest 10% per annum.

For Petitioner : Mr.Arun Dhanapalan

For Respondent : Mrs.Rajeni Ramadoss
Standing Counsel

ORDER

The petitioner was employed in the respondent Corporation and retired from service on 19.03.2012. Thereafter, he filed a claim petition under the Payment of Gratuity Act, 1972, before the Assistant Labour Commissioner, Labour Court, Chennai vide P.G.No.129 of 2014, seeking direction to the Corporation to pay gratuity amounts due and payable to him.

2.On hearing the Corporation and also on behalf of the petitioner herein, the Authority passed an order on 30.09.2014 directing the Corporation to pay a sum of Rs.24,648/-. Even after the authority passed the order as early as on 30.09.2014, till date the amount has not been disbursed to the petitioner. Therefore, the petitioner is before this Court seeking for issuance of writ of mandamus.

3. When the matter is taken up for hearing, Mrs. Rajeni Ramadoss, learned Standing Counsel appearing for the Corporation would submit that there were dues payable by the petitioner to the Cooperative Thrift Society and therefore, the gratuity amount could not be paid to him.

4. This Court is unable to appreciate as to how such stand of the respondent Corporation can be sustained in the light of the fact that the gratuity amount is statutorily payable to the petitioner, which cannot be withheld under any circumstances. In case, there is any due payable by the petitioner to the Society, it is always open to the Corporation to initiate separate proceedings in this regard. Certainly, it is not open to the Corporation to withhold the gratuity amount.

5. In any event, the order passed by the gratuity authority has not been challenged and therefore, it does not lie in the mouth of the Corporation to raise any objections in allowing the writ petition. Once the authority passed an order for payment of Rs.24,648/-, and the same having become final, no further objections could be raised by the Corporation in regard to the payment of gratuity to the petitioner.

6. For the above said reasons, the writ petition is allowed. There shall be a direction to the respondent to pay a sum of Rs.24,648/- and a sum of Rs.6,643/- as the amount computed by the gratuity authority vide his order dated 30.09.2014 in P.G.No.129 of 2014.

7. The above direction shall be complied with by the respondent/ Corporation within a period of four weeks from the date of receipt of copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai - 600 002.

+1cc to M/s.A.Jenasenan, Advocate sr.54724
+1cc to M/s.Rajeni Ramadoss, Advocate sr.55563

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nr 22/08/2019



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