

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 23037 of 2019

1.KVLN.Acharyulu

2.N.L.Narasiman

3.B.Saibaba

4.V.Sita Rama Prasad

5.Nanduri Ramam

6.T.Srinivasa Raju

7.S.Raju

8.E.Simhachalam

9.N.A.Satyanarayana

10.BVS.Nageswara Rao

11.Kattamuri Sreeramalu

12.A.Chinna Appala Naidu

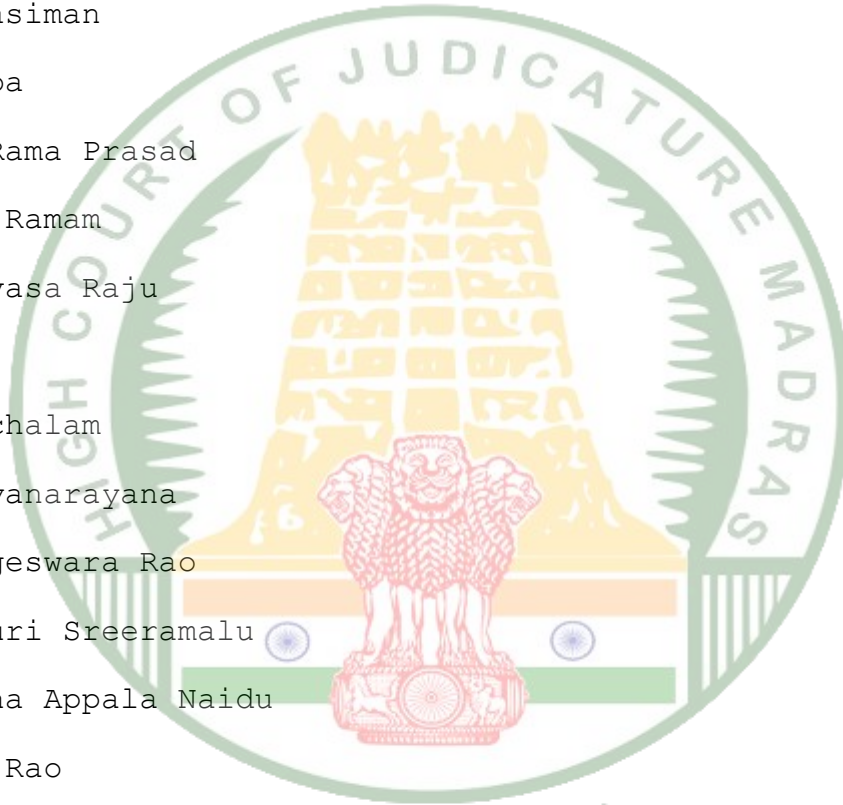
13.P.Rama Rao

14.M.Sathyanarayana Murthy

15.Ch.Nagaraju

16.D.Venugopal

17.Ch.Jagga Rao



सत्यमेव जयते

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...Petitioners

vs

1.The Chairman/Managing Director,
Food Corporation of India,
Head Quarters,
No.16-20, Barakhamba Lane,
New Delhi.

2.The General Manaer (IR-S),
Foor Corporation of India,
Head Quarters,
No.16-20, Barakhamba Lane,
New Delhi.

3.The Executive Director (Sourth),
Food Corporation of India,
Zonal Office, No.3, Haddows Road,
Nungabakkam, Chennai - 6.

4.The Deputy General Manager (IR-S),
Food Corporation of India,
Zonal Office No.3, Haddows Road (South),
Nungambakkam,
Chennai - 6.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to pass orders on the proposal of the 4th respondent dated 19.06.2019 with regard to consider the claims of the petitioners for granting gratuity by counting past service along with regular service based on the Apex Court order dated 23.03.2018 reported in 2018 (5) SCC 430 - Netram Sahu-Vs-State of Chhattisgarh & Another with regard to gratuity.

For Petitioners : Mr.Elanchezhiyan.G
For Respondents : Mr.RM.Muthukumar
Standing Counsel

O R D E R

The prayer sought for is to direct the 2nd respondent to pass orders on the proposal of the 4th respondent dated 19.06.2019 with regard to consider the claims of the petitioners for granting gratuity by counting past service along with regular service based on the Apex Court order dated 23.03.2018 reported in 2018 (5) SCC 430 - Netram Sahu-Vs-State of Chhattisgarh & Another with regard to gratuity.

2. The case of the petitioners was that they were initially selected and appointed as Gunny Watchman on daily wages basis from 1976 to 1979 by the respondents and thereafter posted to various places of Southern region including Andhra Pradesh, Telangana and Tamil Nadu. Their services were regularized from the year 1999 onwards as a Watchman as per the settlement arrived between Management and the employees. As per Gratuity Act the petitioners were all entitled to gratuity as they were all rendering continuous service for more than 35 years.

However the respondent has granted a meager gratuity amount to the retired employee by calculating the regular service from the year 1999 alone and the respondent had not considered the past service rendered prior to 1999 for gratuity.

3. The petitioners have made representation before the respondents on 03.01.2019 and 18.06.2019, for ordering gratuity taking into account their entire service prior to the date of regularization along with regular service. After receiving the representation the 4th respondent had sent a proposal to the 2nd respondent on 19.06.2019 for passing necessary orders. However till date the 2nd respondent has not passed any orders. Hence the Writ Petition is filed.

4. The learned counsel for the petitioners would submit that it would be suffice to issue directions to the respondents to dispose of the proposal dated 19.06.2019 made by the 4th respondent to the 2nd respondent in accordance with law.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, I am inclined to issue direction to the respondents to dispose of the proposal dated 19.06.2019, if not disposed already within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1.The Chairman/Managing Director,
Food Corporation of India,
Head Quarters,
No.16-20, Barakhamba Lane,
New Delhi.

2.The General Manager (IR-S),
Food Corporation of India,
Head Quarters,
No.16-20, Barakhamba Lane,
New Delhi.

3.The Executive Director (Sourth),
Food Corporation of India,
Zonal Office, No.3, Haddows Road,
Nungabakkam, Chennai - 6.

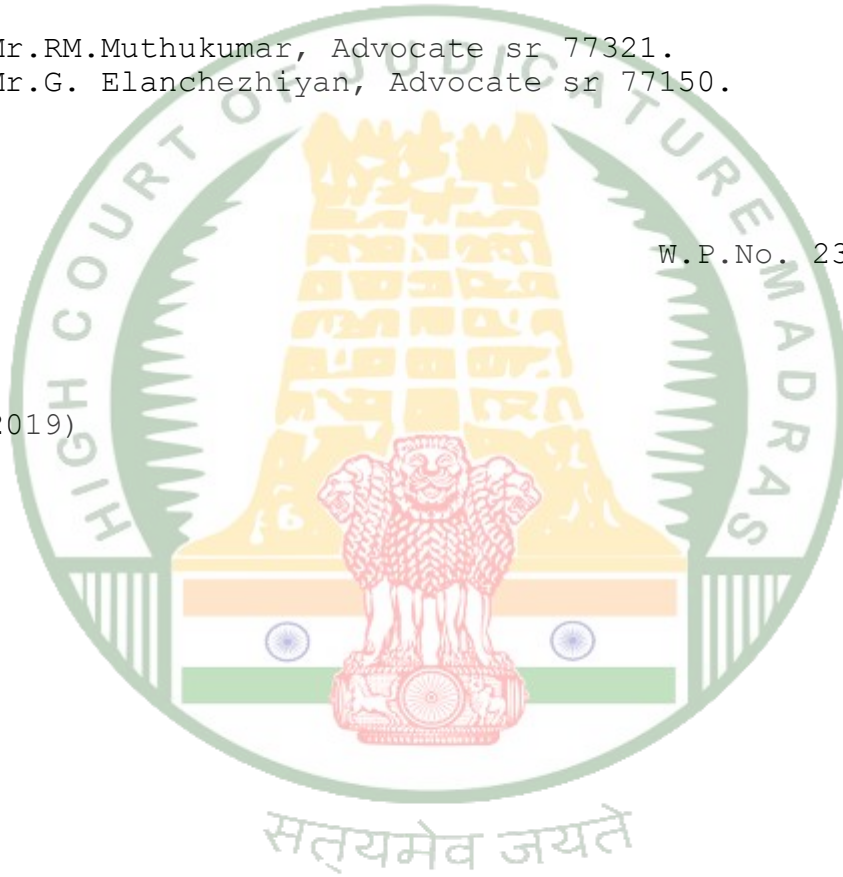
4.The Deputy General Manager (IR-S),
Food Corporation of India,
Zonal Office No.3, Haddows Road (South),
Nungambakkam,
Chennai - 6.

+1 CC to Mr.RM.Muthukumar, Advocate sr 77321.

+1 CC to Mr.G. Elanchezhiyan, Advocate sr 77150.

W.P.No. 23037 of 2019

SP(17/10/2019)



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