

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34819 of 2018

N.R.Trade Union Congress,
Represented by its President,
Mr.Mohandass,
No.27, Pudhu Street,
Kounderpalayam,
Puducherry-605 009. ... Petitioner

Vs.

- 1.Union Territory of Puducherry,
Represented by the Chief Secretary,
Government of Puducherry,
Puducherry-605 001.
- 2.The District Collector of Puducherry,
Government of Puducherry,
Saram,
Puducherry-605 013.
- 3.The Anglo French Textiles,
A Unit of Pondicherry Textiles Corporation Limited,
Represented by its Managing Director,
Mudaliarpeta, Puducherry-605 004. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith pay the amounts of gratuity due and payable to the petitioners together with interest at the rate of 10% per annum thereon from the respective dates of their retirement.

For Petitioner : Mr.V.Kamalakumar

For Respondents-1&2: Mr.A.V.Ramalingam,
Additional Government Pleader.

For Respondent-3 : Mrs.N.Mala

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to forthwith pay the amounts of gratuity due and payable to the writ petitioners together with interest at the rate of 10% per annum thereon from the respective date of their retirements.

2. The preliminary objection raised both by the learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the third respondent, is that the writ petition is not maintainable as the grievances in relation to the payment of gratuity cannot be filed by the Trade Union.

3. The present writ petition is filed by N.R.Trade Union Congress represented by its President. The payment of gratuity is to be settled with reference to the respective scale of pay and other individual particulars of the employees concerned.

4. Thus, the aggrieved person alone can move the present writ petition before this Court for the redressal of grievances. The Trade Union cannot be permitted to file the writ petition in respect of settlement of gratuity to the individual employees concerned.

5. This apart, the amount of gratuity varies from person to person and certain amounts would have already been settled. These are all the facts and circumstances to be adjudicated on the basis of the particulars to be provided in respect of the individual employees concerned.

6. This being the factum, the employees aggrieved are at liberty to approach the High Court for the purpose of redressing their grievances. However, the writ petition filed by the Trade Union cannot be entertained in order to redress the individual grievances.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

svn

To

1.The Chief Secretary,
Union Territory of Puducherry,
Government of Puducherry,
Puducherry-605 001.

2.The District Collector of Puducherry,
Government of Puducherry,
Saram,
Puducherry-605 013.

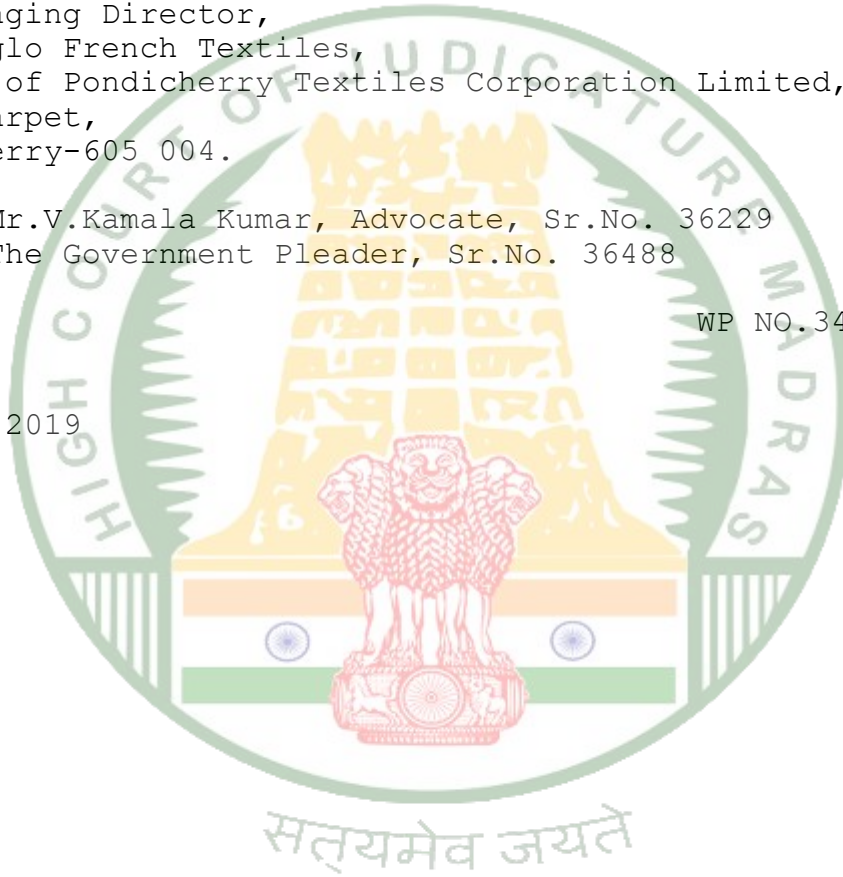
3.The Managing Director,
The Anglo French Textiles,
A Unit of Pondicherry Textiles Corporation Limited,
Mudaliarpeta,
Puducherry-605 004.

+1 cc to Mr.V.Kamala Kumar, Advocate, Sr.No. 36229

+1 cc to The Government Pleader, Sr.No. 36488

WP NO.34819 of 2018

SSV(CO)
CSL/27.05.2019



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