

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.10790 of 2017**

1.A.Dharmalingasamy
2.R.Velappan Asari
3.Rajaram
4.T.Nagaru Pillai
5.S.Murugan
6.M.Devadoss
7.K.Sattanathan Mohanraj
8.D.Robert Dharma Jose

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Chairman cum Secretary
to Government,
Transport Department,
Fort St. George, Secretariat,
Chennai - 9.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli Limited),
No.2, Trivandrum Road,
Vannarapet,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents herein to revise the petitioners gratuity based on the increased maximum ceiling of Rs.10,00,000/- as provided in G.O.Ms.No.235, Finance (Pay Cell) Department, dated 01.06.2009 and to pay the difference amount of gratuity.

For Petitioners : Mr.S.Veeranasamy

For R - 1 : Mrs.J.Padmavathy Devi,
Special Government Pleader.

For R - 2 : Mr.K.Sathyasingh

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to revise the petitioners



gratuity amount and to pay the difference amount.

2. Heard the learned counsel appearing for the petitioners, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The learned counsel appearing for the petitioners submitted that aggrieved over the inaction on the part of the respondents in disbursing the increased gratuity amount of Rs.10,00,000/- as provided in G.O.Ms.No.235, Finance (Pay Cell) Department, dated 01.06.2009 and to pay the difference amount, the petitioners sent representations to the respondents on various dates. Since the same have not been considered by the respondents so far, the petitioners have filed the present Writ Petition.

4. The learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent submitted that the prayer of the petitioners would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the petitioners' claim, directs the respondents to consider the claim of the petitioners seeking for revising the gratuity amount and to pay the difference amount in the light of G.O.Ms.No.235, Finance (Pay Cell) Department, dated 01.06.2009 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioners. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The State of Tamil Nadu,
Rep. by its Chairman cum Secretary
to Government,
Transport Department,
Fort St. George, Secretariat,
Chennai - 9.



2.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli Limited),
No.2, Trivandrum Road,
Vannarapet,
Tirunelveli.

+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.55362
+1 CC to M/s.K.SATHIYA SINGH, Advocate IN SR-55728

WP (MD) No.10790 OF 2017
19.03.2019

PS
PK/05.04.2019 : 3P/5C