



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) Nos.16043, 16047, 16052, 16054, 16057, 16062, 16065, 16066,
16069, 16074, 16075, 16078, 16088, 16089, 16092, 16094, 16095,
16098, 16099, 16101 and 16114 of 2019

and

W.M.P. (MD) Nos.12747, 12751, 12755, 12758, 12761, 12762, 12765,
12768, 12771, 12774, 12775, 12779, 12786, 12787, 12791, 12794,
12797, 12798, 12799, 12801 and 12807 of 2019

The General Manager/Administration,

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Tiruchirapalli.

... Petitioner in all the W.P's

- Vs. -

D.Gopalakrishnan	... Respondent in WP (MD) . 16043/ 2019
V. Nagarajan	... Respondent in WP (MD) . 16047/ 2019
R. Ambedkar	... Respondent in WP (MD) . 16052/ 2019
B. Baladhandayutham	... Respondent in WP (MD) . 16054/ 2019

1. R. Bharathi	
2. Selvan Kaviarasan	... Respondents in WP (MD) . 16057/ 2019

M. Nagarajan	... Respondent in WP (MD) . 16062/ 2019
M. Velusamy	... Respondent in WP (MD) . 16065/ 2019
N. Mohanan	... Respondent in WP (MD) . 16066/ 2019
K. Rengasamy	... Respondent in WP (MD) . 16069/ 2019
S. James Antony Peter	... Respondent in WP (MD) . 16074/ 2019
N. Ilayammal	... Respondent in WP (MD) . 16075/ 2019
G. Subramanian	... Respondent in WP (MD) . 16078/ 2019
R. Dharmalingam	... Respondent in WP (MD) . 16088/ 2019
P. Ranganathan	... Respondent in WP (MD) . 16089/ 2019



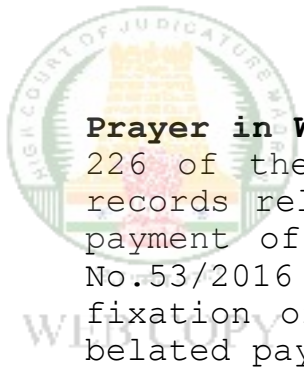
S. Royappan ... Respondent in WP(MD) . 16092/ 2019
R. Rajendran ... Respondent in WP(MD) . 16094/ 2019
S. Poraikkalan Yevoor ... Respondent in WP(MD) . 16095/ 2019
R. Marudhamuthu ... Respondent in WP(MD) . 16098/ 2019
M. Arumugam ... Respondent in WP(MD) . 16099/ 2019
V. Rethinam ... Respondent in WP(MD) . 16101/ 2019
S. Rajagopal ... Respondent in WP(MD) . 16114/ 2019

Prayer in WP(MD) . 16043/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.37/2016 dated 15/03/2018 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits in one installment are concerned.

Prayer in WP(MD) . 16047/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.43/2016 dated 20/02/2018 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits is concerned.

Prayer in WP(MD) . 16052/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.44/2016 dated 20/02/2018 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits in one installment are concerned.

Prayer in WP(MD) . 16054/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.47/2016 dated 18/06/2018 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits is concerned.



Prayer in WP(MD). 16057/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.53/2016 dated 23/12/2017 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits is concerned.

Prayer in WP(MD). 16062/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.55/2016 dated 02/05/2018 and to quash the same.

Prayer in WP(MD). 16065/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.79/2016 dated 18/06/2018 and to quash the same.

Prayer in WP(MD). 16066/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.56/2016 dated 02/05/2018 and to quash the same.

Prayer in WP(MD). 16069/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.93/2016 dated 02/05/2018 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits in one installment are concerned.

Prayer in WP(MD). 16074/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.22/2017 dated 02/04/2018 and to quash the same.

Prayer in WP(MD). 16075/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.84/2017 dated 17/12/2018 and to quash the same.

Prayer in WP(MD). 16078/ 2019 : Writ Petition is filed under Article



226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.92/2017 dated 02/05/2018 and to quash the same.

Prayer in WP(MD). 16088/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.80/2017 dated 02/04/2018 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits in one installment are concerned.

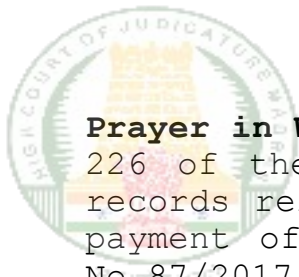
Prayer in WP(MD). 16089/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.88/2017 dated 02/04/2018 and to quash the same.

Prayer in WP(MD). 16092/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.85/2017dated 02/04/2018 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits in one installment are concerned.

Prayer in WP(MD). 16094/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.81/2017 dated 02/04/2018 and to quash the same.

Prayer in WP(MD). 16095/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.82/2017 dated 02/04/2018 and to quash the same in so far as the fixation of interest at the rate of 10 percent oer annum for the belated payment of gratuity and direction for payment of benefits in one installment are concerned.

Prayer in WP(MD). 16098/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.5/2018 dated 02/04/2018 and to quash the same.



Prayer in WP(MD). 16099/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.87/2017 dated 10/04/2018 and to quash the same.

Prayer in WP(MD). 16101/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.86/2017 dated 02/04/2018 and to quash the same.

Prayer in WP(MD). 16114/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records relates to the order passed by the Appellate Tribunal under payment of Gratuity Act, 1972, Tiruchirapalli herein in PG Appeal No.83/2017 dated 02/04/2018 and to quash the same.

For Petitioner : Mr.D.Sivaraman
in all the W.Ps.

For Respondent : Mr.N.Sudhagar Nagaraj
in all the W.Ps.

COMMON ORDER

The Petitioner/Management has filed the present Writ Petitions seeking to quash the orders passed by the Appellate Tribunal under the Payment of Gratuity Act, 1972, Tiruchirappalli, insofar as the fixation of interest at the rate of 10% p.a. in all the cases for the belated payment of Gratuity and for a direction to disburse the payment of benefits in one installment.

2. Today, when the matter is taken up for hearing, both the the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents in all the cases, submitted that the issue involved in the present Writ Petitions is squarely covered by the decision of this Court in W.P.(MD)Nos.2334 to 2357 of 2019, dated 01.02.2019. They further submitted that during the pendency of the Writ Petitions, both the writ petitioner and the respective respondents entered into compromise, individually, for payment of interest at the rate of 8.5% per annum on the belated payment of Gratuity amount and they have filed respective joint compromise memos to that effect. The learned counsel appearing for the Petitioner/Management submitted that in W.P(MD)Nos.16074, 16075, 16088, 16089, 16092, 16094, 16095, 16098, 16099, 16101 and 16114 of 2019, the Management has already deposited the entire gratuity amount, with 10% interest, as directed by the Appellate Tribunal and in view of the above compromise, liberty may



be granted to the Petitioner/Management to withdraw the balance interest amount in those cases. The learned counsel for the petitioner also submitted that in W.P(MD)Nos.16043, 16047, 16052, 16054, 16057, 16062, 16065, 16066, 16069 and 16078 of 2019, the Petitioner/Management has deposited the gratuity amount with 6% interest per annum and in view of the compromise now arrived at between the parties, eight weeks time may be granted to deposit the balance 2.5% interest amount in the above cases.

3. Recording the joint compromise memos filed in all the cases and the above submission of the learned counsel for the Petitioner/Management, the impugned orders passed by the Appellate Tribunal in all the cases are set aside, insofar as interest portion is concerned. The Petitioner/Management is directed to pay interest at the rate of 8.5% per annum on the belated payment of gratuity, as per the joint compromise memos. The Petitioner/Management is directed to deposit the balance 2.5% interest amount in W.P(MD) Nos.16043, 16047, 16052, 16054, 16057, 16062, 16065, 16066, 16069 and 16078 of 2019, within a period of six weeks from the date of receipt of a copy of this order. In view of the above compromise, the Petitioner/Management is also permitted to withdraw the balance 1.5% interest amount deposited in W.P(MD)Nos.16074, 16075, 16088, 16089, 16092, 16094, 16095, 16098, 16099, 16101 and 16114 of 2019. In view of the compromise, now arrived, the respective respondents are permitted to withdraw their respective gratuity amount along with interest amount already deposited/to be deposited within the above time frame, as the case may be.

4. Accordingly, these Writ Petitions are partly allowed. No costs. Consequently, connected Miscellaneous Petitions are closed. The Joint Compromise Memos shall form part of this common order.

SD

ASSISTANT REGISTRAR (AD I)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS)

smn2

**ENCL: JOINT COMPROMISE MEMO DATED: 25/07/2019 AND 13/07/2019
IS ENCLOSED IN ORIGINAL (21 MEMO)**

To

1. The Judge,
The Appellate Tribunal under the
Payment of Gratuity Act, 1972,
Tiruchirappalli.



2. The General Manager/Administration,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Tiruchirapalli.

WEB COPY

3. D.Gopalakrishnan
S/o. Dhakshinamoorthy, 20/6 Gopalakrishnan Pillai Street,
Trichy.
(WITH COMPROMISE MEMO)
4. V. Nagarajan
S/o.Vazhiyooran, 504 Vasuki Nagar, Chenthamangalam,
Thriuvarur Post, Thiruvarur District
(WITH COMPROMISE MEMO)
5. R. Ambedkar
S/o. Raghavan, 17 Kakkan Colony, Tiruppananthal Post,
Tiruvidaimarudhur Tk, Thanjavur District
(WITH COMPROMISE MEMO)
6. B. Baladhandayutham
S/o. Balasubramanian, Kanakkupillai Thottam,
Parvathipuram, Musiri Tk, Trichy.
(WITH COMPROMISE MEMO)
7. R. Bharathi
W/o. Late Raju, 5/11 Bharathidasan Nagar, 8th Street,
North Kattoor, Pappakurichi, Trichy.
(WITH COMPROMISE MEMO)
8. Selvan Kaviarasan
S/o Late Raju, 5/11 Bharathidasan Nagar, 8th Street,
North Kattoor, Pappakurichi, Trichy.
(WITH COMPROMISE MEMO)



9. M.Nagarajan

S/o. Munusamy, No.5/265 Melapetetai, Allithurai,
Somarasampettai Post, Srirengam Tk, Trichy.

(WITH COMPROMISE MEMO)

WEB COPY

10. M. Velusamy

S/o. Murugaiyan, No.4/d1 Ganapathi Nagar Post,
Medical College Road, Thanjavur District.

(WITH COMPROMISE MEMO)

11. N. Mohanan

S/o. Narayanasamy, No.61-A Thanamani Colony,
Trichy District.

(WITH COMPROMISE MEMO)

12. K. Rengasamy

S/o. Kondaisamy, C-344 Periyar Salai,
Dheeran Nagar 33, Trichy.

(WITH COMPROMISE MEMO)

13. S. James Antony Peter

S/o. Samikkannu, Purathakkudi Post, Ilangakurichi Via,
Manapparai Tk, Manapparai.

(WITH COMPROMISE MEMO)

14. N. Ilayammal

W/o. Natarajan, No.3/309 Barathi Nagar, Pudhupatti Post,
Musiri Tk, Trichy District.

(WITH COMPROMISE MEMO)

15. G. Subramanian

S/o.Govindaraj, 47 Kumaran Illam, 4th Street,
RMS Colony, Edamalaipattipudur, Trichy.

(WITH COMPROMISE MEMO)



16. R. Dharmalingam
S/o. Ramasamy, B/20305, 2nd Cross Street,
Dheeran Nagar, Trichy.
(WITH COMPROMISE MEMO)

WEB COPY

17. P. Renganathan
S/o. Perumal, Kamanayakkanalayam,
Pottavaiththalai Post, Trichy.
(WITH COMPROMISE MEMO)

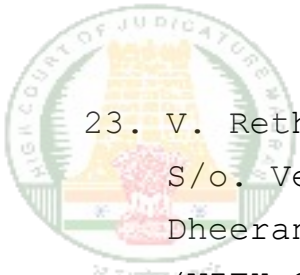
18. Thiru S. Royappan
S/o. Soosai, 47 Yettuthuru, Trichy Road,
Manapparai, Trichy District.
(WITH COMPROMISE MEMO)

19. R. Rajendran
S/o. Ramanathan, B/203, 2nd Cross Street,
Dheeran Nagar, Trichy.
(WITH COMPROMISE MEMO)

20. S.Poraikkalan Yevoor,
Ayyampalayam Via, Musiri Tk, Trichy.
(WITH COMPROMISE MEMO)

21. R. Marudhamuthu
S/o. Ramasamy, Aberdheen Green Peace, Bala Ambukan Nagar,
Pallikaranai, Chennai.
(WITH COMPROMISE MEMO)

22. M. Arumugam
S/o. Manickam, 81 Palaththu Mariamman Koil Street,
Musiri. (WITH COMPROMISE MEMO)



23. V. Rethinam

S/o. Veeramalaippillai, B/128 ,3rd Cross Street,
Dheeran Nagar, Musiri, Trichy.

(WITH COMPROMISE MEMO)

WEB COPY

24. S. Rajagopal

S/o. Seenivasan, No.16 Kamarajar Stret, Kattuppuththoor,
Thottiam Tk, Trichy.

(WITH COMPROMISE MEMO)

1CC TO MR. D. SIVARAMAN, ADVOCATE SR 78570

1CC TO MR.N. SUDHAGAR NAGARAJ, ADVOCATE SR 78631

Common order in
W.P.(MD)No.16043, 16047, 16052, 16054, 16057, 16062, 16065, 16066,
16069, 16074, 16075, 16078, 16088, 16089, 16092, 16094, 16095,
16098, 16099, 16101 and 16114 of 2019

29.07.2019

10P/27C

CS (17.09.2019)