



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 18681 of 2019

K. Rajendran

... Petitioner

Vs.

1. The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation,
Pudukkottai Region,
Pudukkottai District.

2. The Joint Commissioner of Labour,
Joint Labour Commissioner's Office,
Trichy.

3. The Deputy Commissioner of Labour,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to disburse the sum of Rs.4,38,814/-being the gratuity amount payable to the petitioner which is lying in the credit of appeal No.72/2018 along with interest thereon, by considering the representation, dated 18.06.2019, within the time period stipulated by this Court.

For Petitioner : Mr.Mohammed Imran
for M/S.R.Venkateshwar
For Respondent-1 : Mr.G. Mohankumar
for M/s.R. Vijay Kumar,
Standing Counsel.

For Respondents-2 & 3 : Mr.A. Muthukaruppan,
Additional Government Pleader

O R D E R

The instant Writ Petition has been filed to direct the third respondent to disburse the sum of Rs.4,38,814/-being the gratuity amount payable to the petitioner which is lying in the credit of appeal No.72/2018 along with interest, by considering his representation, dated 18.06.2019, within the time period stipulated by this Court.



2. According to the petitioner, he was served as Assistant Quality Inspector in the respondent/Corporation. After attaining the age of superannuation he was retired from service on 30.10.2015. The first respondent has fixed the total amount of gratuity payable to the petitioner at Rs.1,47,937- the same was challenged by the petitioner before the second respondent and he has passed order on 02.03.2018 whereby for payment of gratuity amount payable to the petitioner has been fixed at Rs.4,38,814/-with interest. The first respondent has preferred an appeal before the third respondent against the order dated, 02.03.2018 passed by the second in Appeal No.72 of 2018 the same has been dismissed on 25.02.2019 and the order of the second respondent has been confirmed. Thereafter, the first respondent has deposited the award amount of Rs.4,38,814/-before the third respondent. Hence, the petitioner has filed an application before the third respondent for withdrawal of the aforesaid award amount to the credit of the Appeal No.71 of 2018. The aforesaid withdrawal application is still pending before the third respondent and hence, the petitioner has submitted a representation, dated 18.06.2019 to the third respondent, but no order has been passed. Hence, the instant writ petition is filed.

3. On notice, the learned Standing counsel for the respondent-1 submitted before this Court that the first respondent has preferred an appeal challenged the aforesaid order before this Court and therefore, without prejudice the right of the aforesaid appeal prayer, orders may be passed in the instant writ petition. He further submitted that the representation of the petitioner, dated 18.06.2019 will be considered on merits, within the time that may be fixed by this Court.

4. In view of the above submission, this Court directs the third respondent to consider the petitioner's representation, dated 18.06.2019, on merits and in accordance with law, if there is no legal impediment, pass an order, as expeditiously as possible, preferably within a period of Twelve (12) weeks from the date of receipt of copy of this order.

5. With the above observations, the instant Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

ksa



To

1. The Joint Commissioner of Labour,
Joint Labour Commissioner's Office,
Trichy.

2. The Deputy Commissioner of Labour,
Trichy.

+1CC TO MR.R.VENKATESHWAR, Advocate Sr. No.84773
+1CC TO MR.R.VIJAYAKUMAR, Advocate Sr. No.84307
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.84597

W.P[MD)]No. 18681 of 2019
29.08.2019

GKG (CO)

TR(10.10.2019) 3P 6C