



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) No.9655 of 2020

S.Padmanabhan

... Petitioner

Vs.

- 1) The State of Tamil Nadu,
Rep. by Secretary to Government,
Tamil Nadu State Transport Corporation,
Fort St.George, Chennai
- 2) The Managing Director,
Tamil Nadu State Transport Corporation,
27, Railway Station,
Kumbakonam 612 001
- 3) The General Manager,
Tamil Nadu State Transport Corporation,
Pudukkottai Region,
Pillaithanneerpandal,
Pudukkottai.
- 4) The Administrator,
Tamil Nadu State Transport Corporation,
Corporation Employees Pension,
Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to provide Gratuity with from the period of 21.10.1986 to 24.09.1987 and consider the petitioner's representation made on 27.07.2020.

For Petitioner : Mr.A.P.Dhas

For R-1 : Mr.K.Mu.Muthu,
Additional Government Pleader

For RR 2 & 3 : Mr.P.M.Vishnuvarthanan,
Standing Counsel



O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 2nd and 3rd respondents to provide Gratuity from the period from 21.10.1986 to 24.09.1987 by considering the petitioner's representation made on 27.07.2020.

2. The petitioner was working as a Driver at the respondent Transport Corporation from 21.10.1986 till 31.07.2017, on which date, he retired from service on superannuation.

3. On retirement, his retiral benefits have been disbursed by the respondents, including Gratuity, but in this regard, the grievance of the petitioner is that, though the petitioner joined service on 21.10.1986 and was regularised in service from 24.09.1987, the date of regularization alone was taken for the calculation of Gratuity and accordingly, it was disbursed. The period between 21.10.1986 and 24.09.1987 was not taken into account for the purpose of Gratuity. Therefore, the said period also shall be taken, accordingly, the remaining amount payable to the petitioner by way of Gratuity for the said period shall be directed to be paid. In this regard, the learned counsel appearing for the petitioner would submit that, the petitioner has given a representation dated 27.07.2020 and the only request of the petitioner is that, if the said representation is directed to be considered within a time frame on merits by the respondents, the petitioner would be satisfied.

4. Heard Mr.P.M.Vishnuvarthanan, learned standing counsel appearing for the respondents 1 & 2, who would submit that, whether the petitioner is entitled to claim Gratuity for the period between 21.10.1986 and 24.09.1987 has to be considered and accordingly, the representation of the petitioner, dated 27.07.2020 would be disposed as expeditiously as possible.

5. Considering the said submission made by the learned standing counsel appearing for the respondents and having regard to the factors of the case, this Court is inclined to dispose of the case with the following order:

"that the respondents are directed to dispose of the representation of the petitioner dated 27.07.2020 and decide as to whether the petitioner is entitled to make such a claim of additional Gratuity for the said period between 21.10.1986 and 24.09.1987 and pass final orders thereon, accordingly as expeditiously as possible, but any how not beyond three months period from the date of receipt of a copy of this order."



6. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Secretary to Government,
State of Tamil Nadu,
Tamil Nadu State Transport Corporation,
Fort St.George, Chennai
- 2) The Managing Director,
Tamil Nadu State Transport Corporation,
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- 3) The General Manager,
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- 4) The Administrator,
Tamil Nadu State Transport Corporation,
Corporation Employees Pension,
Pallavan Salai, Chennai 600 002.

+1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate SR-14569.

+1 CC to Mr.A.P.DHAS, Advocate SR-14592.

Order made in

W.P. (MD) No.9655 of 2020

(CO)

CS(24.09.2020) 3P 7C