

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6459 of 2021

P.Selvaraj

... Petitioner

Vs.

1. The General Manager (Administration),  
Gratuity Trust Fund,  
Tamil Nadu Civil Supplies Corporation,  
Head Office, Kilpauk,  
Chennai 600 010.
2. The Regional Manager,  
Tamil Nadu Civil Supplies Corporation,  
Regional Office, Dharmapuri. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents to consider the representation dated 07.09.2020 made by the Petitioner in the light of the Circular vide Order No.R.C.No.AGR3/67287 Circular No.35/2014, dated 19.05.2014 issued by the 1<sup>st</sup> Respondent.

For Petitioner : Mr.J.Bharathiraja

For 1<sup>st</sup> Respondent : Mr.L.P.Shanmugasundaram,  
Special Government Pleader

For 2<sup>nd</sup> Respondent : Mr.C.Munusamy,  
Special Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to consider his representation dated 07.09.2020 in the light of the Circular vide Order No.R.C.No.AGR3/67287 Circular No.35/2014, dated 19.05.2014 issued by the 1<sup>st</sup> Respondent.

2. The grievance of the Petitioner is that, services rendered by him as Trainee Shop Assistant (TSA) from 22.12.1978 to 13.04.1984 were not taken into account for the purpose of calculating gratuity. Aggrieved over the non-payment of

gratuity, the Petitioner made a representation dated 12.02.2020 to the Respondents, wherein, he sought for payment of gratuity in the light of the Circular dated 19.05.2014 issued by the 1<sup>st</sup> Respondent. Thereafter, the Petitioner made further representations to the Respondents on 13.08.2020 and on 07.09.2020. As no reply is forthcoming, the Petitioner is before this Court.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the Respondents herein to consider the Petitioner's representation dated 07.09.2020, based on the Circular vide order No.R.C.No.AGR3/67287, Circular No.35/2014, dated 19.05.2014 issued by the 1<sup>st</sup> Respondent, on merits and in accordance with law, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders, within a period of four months from the date of receipt of a copy of this order.

5. Petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of his representation and a copy of this order, to the Respondents, forthwith. Respondents are directed to communicate the decision taken on the said representation to the Petitioner herein within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that, there is no need for the parties to file contempt after expiry of the specified period. In case, the Authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order of this Court.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

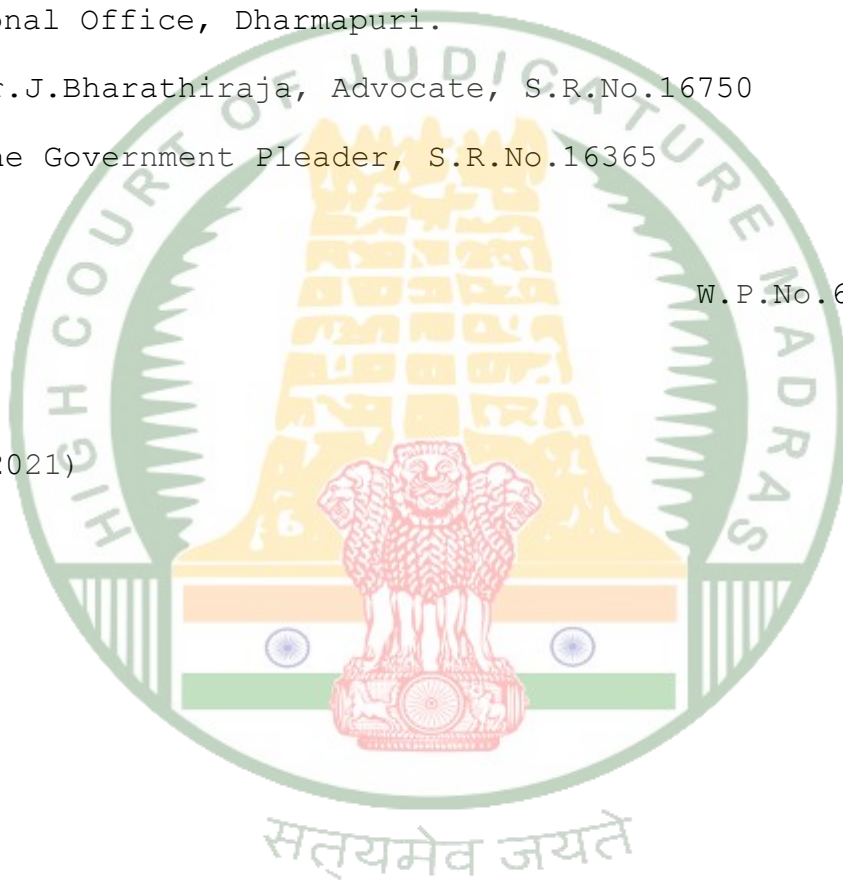
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Regional Office, Dharmapuri.

+1cc to Mr.J.Bharathiraja, Advocate, S.R.No.16750

+1cc to the Government Pleader, S.R.No.16365

W.P.No.6459 of 2021

PMK (CO)  
KM(20/04/2021)



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