

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6192 of 2014

M.Devan

... Petitioner

Vs.

The Regional Manager,
The Tamil Nadu Civil Supplies Corporation,
Dharmapuri Region,
Dharmapuri.

... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the gratuity under the payment of Gratuity Act for 29 years of service immediately with interest at 10%.

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.C.Munusamy
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondent to pay gratuity under the Payment of Gratuity Act, for the services rendered by the petitioner, along with interest.

2.It is the case of the petitioner that he joined as Trainee Sales Assistant in the year 1981 and he was subsequently, appointed as Assistant Quality Inspector in the year 1982. While so, he was placed under suspension on 21.05.1983, consequent to which, he was dismissed from service on 20.06.2003. Challenging the same, he preferred WP.No.19711 of 2004, which was partly allowed in the following terms:

(i)The impugned order of dismissal from service passed against the petitioner is set aside and he is ordered to be reinstated in service with effect from 20.06.2003. It is further directed that he shall be deemed to have retired from service from 30.06.2011.

(ii) Insofar as backwages is concerned, the petitioner shall be entitled only for 50% of backwages.

(iii) The first respondent shall pass consequential order as indicated above, within a period of three months from the date of receipt of a copy of this order.

Feeling aggrieved, the respondent filed WA.No.2398 of 2012, which was dismissed on 09.11.2012. They went on further appeal before the Supreme Court in SLP(Civil) No.9139 of 2013, which ended in dismissal on 04.03.2013. Thereafter, the petitioner was reinstated in service and was permitted to retire from service on 30.06.2011. However, he was not paid gratuity for the services rendered in the respondent Corporation. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that as per the circular no.63/2010 Rc.No.AE3/64989/2010 dated 28.07.2010 issued by the Managing Director, TNCSC, Chennai, the gratuity will be settled as per the Act of 1972, within one month from the date of retirement, whereas the case of the petitioner was not considered, even after a lapse of seven years. He further submitted that the petitioner already sent representation dated 20.03.2013 claiming gratuity from the date of joining the service of the respondent Corporation i.e. on 09.08.1982, till the date of his retirement on 30.06.2011 and hence, the same may be directed to be considered by the respondent, as expeditiously as possible.

4. The learned Special Government Pleader appearing for the respondent fairly submitted that the respondent would dispose of the petitioner's representation dated 20.03.2013, if not already disposed of, on merits, within a stipulated time to be fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the representation dated 20.03.2013 submitted by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs.

sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

VRC

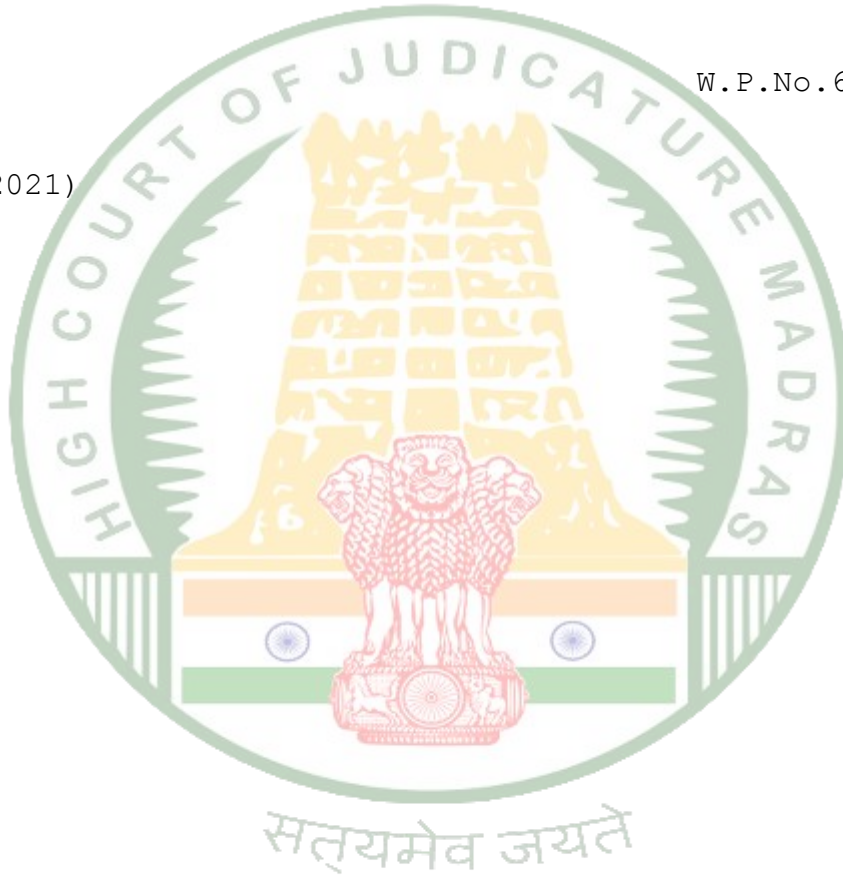
To

The Regional Manager,
The Tamil Nadu Civil Supplies Corporation,
Dharmapuri Region,
Dharmapuri.

+ lcc to Mr.S.Venkataraman, Advocate SR.No.1088

W.P.No.6192 of 2014

SR-II(CO)
TE(23/04/2021)



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