



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 8357 of 2019

M. Saraswathy

...Petitioner

-vs-

Neyveli Lignite Corporation Ltd,
Rep by its Chairman - cum - Managing Director,
Shastri Bhavan, Chennai - 600 006

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the Respondent herein to disperse the enhance gratuity amount @10% interest, due to my late husband S. Muthukrishnan, as per the common order dated 25.03.2010 passed in W.A. No. 1341 of 2007, W.P. No. 28292 of 2004 and W.P. No. 9847 of 2008 within a time frame to be fixed by the Hon'ble Court.

For Petitioner : Mr. V.Balamurugane

For Respondent : Mr. N.Nithianandam

O R D E R

Heard Mr. V.Balamurugane, Learned Counsel for the Petitioner and Mr. N.Nithianandan, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner in this Writ Petition is that her husband, viz., S.Muthukrishnan, who retired from the service of the Respondent on 30.06.1995, had not been extended the benefit of enhancement in the ceiling of maximum amount of gratuity from Rs. 1,00,000/- to 2,50,000/- for employees who had retired from service during the period from 01.04.1995 to 24.11.1997, which has been granted in the common order dated 25.03.2010 in W.A. No. 1341 of 2007 passed by the Division Bench of this Court, and that the differential amount of gratuity would have to be paid to her.



3. Learned Counsel for the Respondent has brought to notice that the said S.Muthukrishnan during his life time had made such claim for difference in gratuity amount in P.G.A. No. 48/465/04 before the Controlling Authority (Central), Chennai, under the payment of Gratuity Act, 1972, which was settled in Lok Adalat for a sum of Rs.1,608/- in the proceedings dated 13.07.2004, and he had also received a cheque for the said amount on that date in full satisfaction of the same, and proof has been produced in that regard.

4. In such circumstances, when the award of the Lok Adalat is deemed to be a decree of the court and shall be final and binding on all the parties to the dispute in terms of Section 21 of the Legal Services Authorities Act, 1987, the Petitioner cannot re-agitate the same claim at this distance of time by feigning ignorance of the earlier proceedings.

In the result, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Maya

To

The Chairman,
Neyveli Lignite Corporation Ltd,
Shastri Bhavan, Chennai - 600 006.

+1cc to Mr. N.Nithianandam , Advocate, S.R.No.27203

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GJ[co]
NSK/15/06/2022