



W.P.(MD) No.4171 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.4171 of 2020
and WMP(MD) No.3498 of 2020

The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation,
Trichy Region,
Trichy

... Petitioner

-VS-

1.The Joint Commissioner of Labour
Trichy.

2.The Assistant Commissioner of Labour,
Office of the Assistant
commissioner of Labour
Trichy.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent not to disburse the amount deposited to the credit of P.G.No.492 of 2016 on the file of the 2nd respondent pending disposal of the statutory appeal filed by the petitioner on the file of the 1st respondent.



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For Petitioner : Mr.G.Mohankumar
For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus to direct the 2nd respondent not to disburse the amount deposited to the credit of P.G.No.492 of 2016 on the file of the 2nd respondent pending disposal of the statutory appeal filed by the petitioner on the file of the 1st respondent.

2.The case of the petitioner is that one Govindaraj was initially appointed as temporary seasonal bill clerk during the year 1986. Prior to 02.04.2008 he has not completed 240 days in a calender year as per the Payment of Gratuity Act. Subsequently he was absorbed in time scale of pay in the year 2009 as bill clerk. Thereafter he was promoted as Junior Quality Inspector in the year 2010 and disciplinary proceedings were initiated against him and recovery orders were also passed for causing loss to the Corporation. While so, he attained the age of superannuation on



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30.04.2012. Thereafter, claiming a sum of Rs.1,94,820/- towards gratuity, the said Govindaraj filed a petition before the 2nd respondent with a condone delay petition without assigning any reason for the delay of 1214 days. Thereafter, the application was numbered as PG No.492 of 2016. The said Govindaraj claimed 26 years of service from 15.10.1986 till 30.04.2012. However, the said petition was allowed fixing the gratuity as Rs.1,79,834/- along with 10% interest. The said Govindaraj also filed an appeal before the first respondent in PG A No.27/2018 and the same was dismissed on 09.04.2019. The Corporation also filed an appeal and it is informed that the second respondent, namely, the original authority, issued communication stating that the said amount will be disbursed, if no orders are produced within seven days. On such information, the Corporation presented a representation to the 2nd respondent stating that the appeal preferred by the Corporation is still pending before the 1st respondent and praying not to disburse the amount to the said Govindaraj. Since the said representation was not considered, the Corporation is before this Court.

3. The learned counsel for the petitioner would submit that the



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employee, viz., Govindaraj claiming gratuity amount filed a petition before the original authority and an appeal has also been filed before the appellate authority/first respondent. Though the employee is not entitled to be paid the gratuity, the 2nd respondent decided to disburse the amount and hence, prays for a direction to dispose the appeal pending before the first respondent.

4. Heard the learned Government Advocate, who would submit that this Court may issue a direction to the first respondent to dispose of the appeal and after disposal of the appeal, liberty may be granted to the said Govindaraj to make appropriate application before the 2nd respondent for disbursement of the amount.

5. Since the workman, viz., Govindaraj is not a party to this writ petition, this Court is not passing any orders for and against the said workman. However, considering the submissions made by the learned counsel for the petitioner, the first respondent is directed to dispose of the appeal filed by the petitioner within a period of twelve weeks from the date



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of receipt of a copy of this order.

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6. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

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Index : Yes/No

Internet : Yes

RR

To

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M.DHANDAPANI, J.

RR

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