



W.P(MD)No.19824 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19824 of 2022

N.Suresh Kumar

... Petitioner

Vs

- 1.The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi.
- 2.The Chairman,
All India Council for Technical Education (AICTE),
Nelson Mandela Marg,
New Delhi.
- 3.The Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Office of Director of Collegiate Education,
Chennai.
- 4.The Chancellor,
Kalasalingam Academy of Research and Education
(Deemed to be University),
Anandh Nagar, Krishnankovil – 626 126,
Srivilliputhur Via
Virudhunagar District.



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5.The Vice - Chancellor,
Kalasalingam Academy of Research and Education
(Deemed to be University),
Anandh Nagar, Krishnankovil – 626 126,
Srivilliputhur Via
Virudhunagar District.

6.The Kalasalingam Academy of Research and Education
(Deemed to be University),
Represented by its Registrar,
Anandh Nagar, Krishnankovil – 626 126,
Srivilliputhur Via
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 4 to 6 herein to pay the gratuity amount and other retirement benefits to the petitioner as per AICTE norms / guidelines or to pay compensation to the petitioner to the tune of Rs.20,00,000/- in lieu of non-settlement of gratuity and other retirement benefits.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.N.Dilip Kumar for R.2

Mr.J.Ashok
Additional Government Pleader for R.3

Mr.C.Ramesh for R.4 & R.6

No Appearance for R.5



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ORDER

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Heard the learned counsel on either side.

2. The petitioner was employed as Assistant Professor in the fifth respondent Institution. It is a “Deemed to be University”. The petitioner had joined service way back on 03.01.1992. He quit his job on 03.05.2019. His grievance is that he has not been paid the gratuity benefits. Seeking direction to the private respondents to pay the gratuity amount, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the respondents 4 and 6 pointed that even without adhering to the statutory procedures the present writ petition has been straightaway filed. Rule 7 of the Tamil Nadu Payment of Gratuity Rules, 1973 contemplates that an employee who is eligible for payment of gratuity under the Act, shall apply in Form-I to the employer. I called upon the learned counsel appearing for the petitioner to clarify whether this requirement has been complied with. He fairly submitted that he had only given a representation and not a formal application.

4. Even though the petitioner had worked in the capacity of Associate Professor and was drawing the salary of Rs.75,460/- in view of the amendment made to the statute, the petitioner is eligible to receive gratuity from the



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employer. I, therefore, permit the petitioner to submit Form-I application to the employer claiming payment of gratuity. The employer shall quantify the benefit payable to the petitioner and pay the same within a period of 30 days thereafter. This writ petition is disposed of accordingly.

18.11.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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