



W.P.No. 9809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 9809 of 2023

P.A. Padmanabhan

... Petitioner

Versus

1. Puducherry Technological University
(Formally Pondicherry Engineering College)
Represented by its Vice Chancellor
Pondicherry-605 014.

2. The Registrar
Puducherry Technological University
Pondicherry - 605 014.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in No.PTU/Estt (T)/E1/per/2022/1435, dated 05.07.2022 and quash the same as illegal, incompetent and without jurisdiction and consequential direction to the 1st respondent to disburse the balance gratuity amount of Rs Ten lakhs and Salary arrears for the eight months with interest.



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For petitioner : Mr.P.A. Padmanabham
Party-in-Person

For Respondent : Mr.Syed Musthaffa
Government Pleader (Puducherry)

ORDER

This Writ Petition has been filed challenging the order No.PTU/Estt.(T)/E1/per/2022/1435,dated 05.07.2022 passed by the second respondent and quash the same as illegal, incompetent and consequently direct the first respondent to disburse the balance Gratuity amount of Rs.10,00,000/- and salary arrears for the eight months with interest.

2. The grievance of the petitioner is that he joined as a Lecturer on 02.04.1987 in the Department of Mathematics with the first respondent/institution. Later, he was promoted as an Assistant Professor. Thereafter, his services were regularized on 08.09.2000 retrospectively from the date of appointment to the post of Assistant Professor. Then, he was appointed as a Professor on 01.03.2003 and superannuated from the service on 31.08.2016, after serving for the past 29 years. At the time of



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retirement, the petitioner has received a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) towards Gratuity amount from the first Respondent, even though the total Gratuity amount was Rs.25,14,624/-, but restricted to Rs.10,00,000/- as per the VI Pay Commission norms along with enclosed working sheet of Gratuity amount from the first Respondent. The Government of India and All India Council of Technical Education (AICTE), the Apex Body on Technical Education have implemented VII Pay Commission with effect from 01.01.2016 and accordingly, the Gratuity amount was increased to Rs.10,00,000/- and salary was revised. Then, the petitioner has approached the first respondent requesting to release the balance Gratuity amount and fixation of his basic salary as he superannuated on 31.08.2016 and as such, he is eligible for Gratuity based on VII Pay Commission. Therefore, the petitioner made a representation, dated 27.06.2022 to the Lieutenant Governor, Government of Puducherry. Subsequently, the second Respondent passed the impugned order in PTU/Estt.(T)/E1/per/2022/1435, dated 05.07.2022 and it was only to curb his rights that he is legally entitled for. After a long gap of six years from the date of retirement, till date, the gratuity amount as well as arrears of salary for 8 months for the period from (01.01.2016 - 31.08.2016) have



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not been fully disbursed to the petitioner. Therefore, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. Heard both sides and perused the materials available on record.

4. On a perusal of the records, it reveals that the petitioner has retired from service from the first Respondent in Mathematics Department after serving for the past 29 years. When he retired from service on 31.08.2016, he has received a sum of Rs.10,00,000/- [Rupees Ten Lakhs Only] towards Gratuity amount, vide a Letter No.PEC/Estt(T)/Per/Retired/2016, dated 30.08.2016. As per the working sheet for Gratuity amount has been filed by the first Respondent is $\text{Rs.1,70,483/-} \times 4 \times 59 = \text{Rs.25,14,624/-}$, but it was restricted to Rs.10,00,000/- at that time. Now, the first respondent/institution is paying gratuity amount of Rs.20,00,000/- based on the VII Pay Commission. It is further seen that the Government of India and All India Council of Technical Education (AICTE), the apex body on Technical Education, implemented VII Pay Commission with effect from 01.01.2016 and accordingly, the Gratuity amount was



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increased to Rs.10,00,000/- and salary was also revised. Now, the petitioner requesting to release the balance Gratuity amount of Rs.10,00,000/- so as to enable him to meet his urgent medical expenses.

5. On a further perusal of the impugned order dated 05.07.2022, it is also seen that the Government of Puducherry issued G.O.No. 169, dated 29.08.2019 to extension of revised pay scales recommended by the VII Pay Commission to employees of educational institutions run by various societies/autonomous bodies of Government of Puducherry, the revised pay scale shall be effective from 01.01.2016 but monitory benefits with effect from the month of August 2019. This G.O. shall serve only for the purpose of grant of revised pay scales and allowances applicable consequent on the implementation of VII Pay Commission. It is further seen that the petitioner's request for release the gratuity arrears for Rs.10,00,000/- (Rupees Ten Lakhs Only) will be released as and when received the G.O. from Government of Puducherry, and approval of the competent authority". According to the arrears amount of VII Pay Commission has to be paid as per the calculation of the petitioner."



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6. In the light of the above order and the reasons stated supra, the respondents are hereby directed to calculate the said arrears of retirement gratuity and salary to be paid to him as per the Rules in existence and consider the claim of the writ petitioner and shall pass appropriate orders on merits in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. Considering the facts and circumstances of the case and the direction of this Court in several other writ petitions in similar cases, this Court is inclined to dispose of this writ petition in the following directions:-

The first respondent is directed to pay interest to the petitioner at 4% per annum for the belated payment of terminal benefits calculated from the date of amount. In case there is further delay beyond six months, the first respondent shall pay interest at 6% p.a.

8. This Writ Petition is disposed of with the above directions. No costs.

30.03.2023

msm

Speaking Order : Yes/No

Neutral Citation : Yes/No



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To

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Pondicherry-605 014.
2. The Registrar
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V.BHAVANI SUBBAROYAN, J.

msm

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