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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3326 of 2023

S.Rethinam

Petitioner

vs.

1.The Tamil Nadu Civil Supplies Corporation,
Chennai South, Rep. by its Regional Manager,
Gopalapuram,
Chennai – 600 086.

2.The Controlling Authority under Payment of
Gratuity Act 1972 cum Deputy Commissioner of Labour (Gen)
Office of the Joint Commissioner of Labour, Chennai – 6.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to release the gratuity amount by the 2nd respondent under the Payment gratuity Act 1972 by his order dated 24.09.2021 in P.G. Case No.59 of 2018 with 10 percentage interest as directed in the order without further delay

For Petitioner : Mr.V.I.Prasahnth

For Respondents : Mr.C.Selvaraj
Standing Counsel

ORDER



This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to release the gratuity amount that was already computed by the 2nd respondent in his order dated 24.09.2021 passed in P.G. Case No.59 of 2018 to be paid along with the interest at the rate of 10% per annum.

2.The case of the petitioner is that he was working in the Tamil Nadu Civil Supplies Corporation and he retired from service on attaining superannuation during November, 2010. The gratuity amount was not paid to the petitioner and hence, the petitioner approached the 2nd respondent under the Payment of Gratuity Act and filed a claim petition.

3.The 2nd respondent passed an order on 24.09.2021, directing the 1st respondent to pay a sum of Rs.2,04,951/- along with interest at the rate of 10%, within a period of thirty days.

4.The grievance of the petitioner is that the 1st respondent has been informed about the order passed by the 2nd respondent through representation dated 10.11.2022 and in spite of the same, the 1st respondent failed to abide the order passed by the 2nd respondent. Left with no other option, the present writ petition has been filed before this Court.

5.Heard Mr.V.I.Prasahnth, learned counsel appearing on behalf of the



petitioner and Mr.C.Selvaraj, learned Standing Counsel appearing on behalf of the respondents.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the 2nd respondent has already passed an order in P.G. Case No.59 of 2018, dated 24.09.2021 directing the 1st respondent to pay the gratuity along with interest, there shall be a direction to the 1st respondent to comply with the order and to make the payment to the petitioner as directed by the 2nd respondent, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order.

7.This writ petition is disposed of with the above direction. No Costs.

08.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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N. ANAND VENKATESH, J.

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To

1. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Gopalapuram,
Chennai – 600 086.
2. The Controlling Authority under Payment of
Gratuity Act 1972 cum Deputy Commissioner of Labour (Gen)
Office of the Joint Commissioner of Labour, Chennai – 6.

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