



W.P.No.5693 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.5693 of 2020

D.Jayakanthan

... Petitioner

Vs.

1.The General Manager (Administration)
Gratuity Trust Fund,
Tamilnadu Civil Supply Corporation Limited,
Head Office, Kilpauk, Chennai 10.

2.The Regional Manager,
Tamilnadu Civil Supply Corporation Limited,
Zonal Office, Vellore Road,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in proceedings No.Na.Ka.No.N.G.R3/67287/2013 dated 01.11.2019 and quash the same and direct the respondents to pay 12% interest to the petitioner for the delayed gratuity amount.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.C.Selvaraj



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in proceedings No.Na.Ka.No.N.G.R3/67287/2013 dated 01.11.2019 and quash the same and direct the respondents to pay 12% interest to the petitioner for the delayed gratuity amount.

2. Heard Mr.S.N.Subramani, learned counsel for the petitioner and Mr.C.Selvaraj, learned counsel for the respondents.

3. The contention of the petitioner is that he was recruited as a Shop Assistant / Trainee Bill Clerk in the respondent Corporation during 1978-87 in the Amudham Village Fair Price Shops in Tiruvannamalai Region and retired from service. While settling the gratuity to the petitioner who was initially recruited as Trainee Bill Clerk / Trainee Shop Assistants, the Services rendered by him in the said post was not included for the purpose of calculating gratuity. Since the petitioner was getting stipend and not salary during the relevant point of time, the said period was not included for calculating gratuity. However, in pursuant to orders of this Court, the Government has come forward to include that period



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also for paying gratuity. In this regard, a Circular has been issued on 19.05.2014 to the Regional Manager. So far as this petitioner is concerned, the gratuity was paid after his retirement. The gratuity pertaining to the period for which he was working as a Trainee was settled on 08.08.2016. The earlier Writ Petitions filed by the similar individuals for claiming interest on the differential gratuity has been dismissed.

4. The learned counsel for the respondents cited a decision of this Court rendered in W.P.(MD).Nos.28227 and 27628 of 2022 dated 10.01.2023 filed by the second respondent. In those cases, the Court has passed orders by setting aside the element of interest alone.

5. However, the learned counsel for the petitioner invited the attention of this Court by claiming that similarly placed person by name Shanmugam has been given with interest for the differential payment. The above order has been passed pursuant to the order of this Court dated 17.03.2022 in W.P.No.6920 of 2020.

6. However, the learned counsel for the respondents submitted that



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subsequent to this order several persons have started to file Petitions for claiming interest. Thereafter Courts pass orders by not allowing interest.

7. Even though the petitioner is not entitled to get interest on difference in gratuity from the date of his retirement, he is entitled to get interest from the date when the Board has taken decision to allow gratuity for the period for which the petitioner and others worked as Trainees.

8. In the result, this Writ Petition is partly allowed by allowing interest at the rate of 6% from the date of decision of the Board to pay gratuity for the training period till the date of settling the difference in gratuity. No costs.

29.11.2023

Index : Yes

Internet : Yes/No

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To

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R.N.MANJULA, J.

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