



WEB COPY



W.P.No.5898 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM :

THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.5898 of 2020

Dr. Melvin Victor Depoures

... Petitioner

Versus

1.The Registrar,
Anna University,
Guindy, Chennai – 600 032.

2.The Chairman,
Jeppiar Educational Trust,
Rajiv Gandhi Salai, Chennai – 600 119.

3.The Principal,
Jeppiar Engineering College,
Chennai – 600 119.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to direct the second and third respondents to settle the gratuity, due to the Petitioner for the services rendered by him for more than 8 years from 26-Aug-2011 to 25-Sep-2019, forthwith together with interest for the delayed payment by considering the representation dated 26-Sep-2019, within a time frame to be fixed by this Court.

For Petitioner : Mr. A. Mohamed Ismail

For Respondents : Mr. V. Meenakshi Sundaram (for R1)
Mr. P. Siva (for R2 & R3)



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ORDER

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This Writ Petition has been filed seeking a direction to direct the second and third respondent to settle the gratuity of the petitioner, since he has rendered his service for more than eight years between 26-Aug-2011 and 25-Sep-2019, as well as interest for the payment delay by taking into account the representation dated 26-Sep-2019, within a time frame that will be determined by this Court.

2.The case of the petitioner is that he started his journey in the Department of Mechanical Engineering at Jeppiar Engineering College on 26.08.2011 as an Assistant Professor. Thereafter, for the reasons best known to them, the petitioner was asked to resign from the said post, hence, the petitioner submitted his resignation letter and was relieved of from the service on 25.09.2019 without any due salary except the Gratuity. Therefore, he made several representations through email on various dates to the third respondent to get the Gratuity. In spite of several representations made by the petitioner, there is no reciprocation from the third respondent. Having no other option but to receive the Gratuity, the petitioner approached this Court with the above said prayer.



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3.Learned counsel appearing for the petitioner would submit that the petitioner entered into the service as an Assistant Professor in the third respondent's College in the year 2011 and he was asked to resign in the year 2019. The petitioner was paid with salary and other dues except the Gratuity. As per the provisions of the Payment of Gratuity Act, 1972, those who were terminated from the service in the Educational Institutions and upon completion of five years of service, they are eligible to obtain the Gratuity. The petitioner has completed eight years of service in the third respondent's College, hence, he is entitled to receive the Gratuity as per the provisions of the Payment of Gratuity Act. Therefore, he prayed to allow the present Writ Petition.

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

5.This Court on an earlier occasion on 26.07.2023, directed the respondents to file a detailed counter affidavit on the next hearing date of 10.08.2023 and the counter affidavit was filed by the third respondent on 30.08.2023 and in paragraph No.5, it is stated as follows:



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“5. I state that the applicable gratuity amount payable to the petitioner is a sum of Rs.2,97,412 (Rupees two lakhs ninety seven thousands four hundreds and twelve). The respondent herein undertakes to pay the said gratuity amount in 3 payments starting from October 2023 in the following manner:-

PAYMENT NUMBER	DUE DATE	AMOUNT IN RUPEES
1.	On or before 16 th October 2023	99,137.33/-(Rupees ninety nine thousands one hundred thirty seven and thirty three paisa
2.	On or before 16 th November 2023	99,137.33/-(Rupees ninety nine thousands one hundred thirty seven and thirty three paisa
3.	On or before 16 th December 2023	99,137.33/-(Rupees ninety nine thousands one hundred thirty seven and thirty three paisa

”

7.The above said affidavit was taken on record by this Court and the second and third respondents are directed to pay the sum of Rs.2,97,412/- in three equal installments as stated in the affidavit.



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8.The Writ Petition is disposed of with the above direction and observation. No costs.

30.08.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

klt

To:

- 1.The Registrar,
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J.SATHYA NARAYANA PRASAD,J.

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