



W.P.No.9875 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9875 of 2023

and

W.M.P.Nos.9943 & 9944 of 2023

The Management,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

...Petitioner

Vs

- 1.The Appellate Authority/
Additional Commissioner of Labour,
(Appellate Authority under the
Payment of Gratuity Act, 1972),
Coimbatore.
- 2.The Controlling Officer,
Under the Payment of Gratuity Act, 1972,
Office of the Joint Commissioner of Labour,
Salem.

3.S.Janarthanan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the



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impugned order dated 23.02.2022 passed by the first respondent in P.G.A.No.8 of 2021 by confirming the impugned order dated 17.09.2019 passed by the second respondent in P.G.No.82 of 2019 and quash the same as illegal, arbitrary and unconstitutional.

For Petitioner : Mr.K.Raja

For R3 : Mr.S.Janarthanan
Party-in-person

ORDER

Heard Mr.K.Raja, learned counsel for the petitioner and Mr.S.Janarthanan, party-in-person, the third respondent herein.

2. The order passed by the first respondent herein, determining the gratuity amount payable, together with interest, is put under challenge in the present Writ Petition.

3. The learned Standing Counsel appearing for the Transport Corporation submitted that pursuant to the impugned order and during the pendency of this Writ Petition, the entire gratuity amount has been settled to the third respondent herein and that the interest alone requires



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to be paid. The learned Standing Counsel made a request that the interest amount shall be reduced from 10%.

4. The interest of 10% awarded by the first respondent in the impugned order is a statutory interest prescribed under the provisions of the Payment of Gratuity Act. Such an interest cannot be reduced. As such, the request of the learned Standing Counsel is rejected.

5. In the light of the above observation, there shall be a direction to the petitioner Transport Corporation to forthwith pay the interest amount, as awarded by the first respondent herein in the impugned order dated 17.09.2019, at the rate of 10% per annum, within a period of one week from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No
Speaking order/Non-speaking order
hvk



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M.S.RAMESH,J.

hvk

To

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