



W.P.(MD)No.14181 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14181 of 2020

Muthamil Chelvi

Vs.

... Petitioner

- 1.The Secretary,
State Government of Tamil Nadu,
Department of Finance (Pension),
Secretariat, Fort St.George,
Chennai.
- 2.The Directorate of Technical Education,
Directorate of Technical Education Office,
College Road, Chennai.
- 3.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Pudukottai District.
- 4.The District Educational Officer,
O/o.The District Educational Officer,
Pudukottai District.
- 5.The Headmaster,
Government Higher Secondary School,
Rajendrapuram, Aranthangi,
Pudukottai District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Letter No.64203/Fund (PGC-I)/2019 dated 08.01.2020 and quash the same and directing the respondents 1 to 4 to provide gratuity amount with interest for the delay in payment of gratuity within the time stipulated by this Court.

For Petitioner : Mr.P.Thirumahilmaran

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the Letter No.64203/Fund (PGC-I)/2019 dated 08.01.2020 issued by the first respondent, quash the same and direct the respondents 1 to 4 to provide gratuity amount with interest for the delay in payment of gratuity within the time stipulated by this Court.

2. The learned counsel for the petitioner would submit that the petitioner has made a representation to the first respondent to disburse



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the gratuity amount on 06.12.2019. However, the first respondent has issued the impugned letter as if the petitioner has asked for pension under the Old Pension Scheme. Admittedly, the petitioner has entered into service after 01.04.2003 and he is entitled for gratuity amount. However, the same has not been disbursed to him. Accordingly, he prays for passing appropriate orders.

3. The learned Additional Government Pleader appearing for the respondents would submit that though the petitioner has made a claim for disbursing the gratuity amount, the first respondent has issued the impugned letter dated 08.01.2020 as if the writ petitioner has asked for pension under the Old Pension Scheme. Hence, this Court may set aside the impugned order and remand the matter back to the first respondent to consider as to whether the petitioner is entitled for gratuity amount.

4. In view of the above submissions made by the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents, this Court is inclined to set aside



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the impugned letter dated 08.01.2020 issued by the first respondent and remand the matter back to the first respondent. The first respondent is directed to examine the petitioner's representation and consider as to whether the petitioner is entitled for gratuity amount and pass appropriate orders, if he is entitled for gratuity amount, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is allowed. No costs.

23.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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M.DHANDAPANI,J.

ssb

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