



W.P(MD)No.13996 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13996 of 2022

and

W.M.P.(MD)No.9990 of 2022

The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Ltd.,
Tirunelveli Region,
Vannarapettai,
Tirunelveli.

... Petitioner

Vs.

1.The Assistant Commissioner of Labour,
Authority Under Payment of Gratuity Act,
Tirunelveli.

2.V.Kunjuraman (Died)

3.K.Leela

... Respondents

*(R3 is impleaded vide order dated 17.03.2023 in
W.M.P.(MD)No.17286 of 2022 in
W.P.(MD)No.13996 of 2022 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the



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records from the 1st respondent the Assistant Commissioner of Labour / Authority Under payment of Gratuity relating to the impugned award passed by him in P.G.No.57 of 2016 dated 08.05.2018 and quash the same.

For Petitioner : Mr.K.Sathiya Singh

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader for R1.
Mr.S.Kumar for R3.

ORDER

Heard the learned standing counsel for the transport corporation, the learned Additional Government Pleader for the first respondent and the learned counsel for the private respondents.

2.One Kunjuraman was employed as Conductor in the petitioner corporation. He retired on 04.03.2003. He had put in 29 years of service. He moved the Controlling Authority under the Payment of Gratuity Act for disbursing his gratuity. An award dated 08.05.2018 was passed in his favour in P.G. No.57 of 2016. The management did not file any statutory appeal. Instead, the present writ petition has been filed.



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3.I indicated to the learned standing counsel for the petitioner that since statutory appeal has not been filed, I would not be inclined to go into the merits of the matter. Thereupon, the learned standing counsel for the petitioner submitted that atleast the interest award by the authority can be modified and reduced.

4.Section 7(3)(A) of the Payment of Gratuity Act, 1972, is as follows:-

“7.Determination of the amount of gratuity:-

(3A) If the amount of gratuity payable under sub-section (3) is not paid by the employer within the period specified in sub-section (3), the employer shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at such rate, not exceeding the rate notified by the Central Government from time to time for repayment of long-term deposits, as that Government may, by notification specify:

Provided that no such interest shall be payable if the delay in the payment is due to the fault of the employee and the employer has obtained permission in writing from the controlling authority for the delayed payment on this ground.] ”



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5. Taking note of the relevant aspects, the interest rate awarded by the first respondent is reduced to 7% per annum from the date of workman's entitlement to till the date of payment. In all other aspects, the impugned order will remain intact. The management is directed to pay gratuity amount together with interest to the legal heir of the deceased workman. Since other legal heirs have expressed their no objection, the management is directed to pay the entire amount to the wife of the deceased workman. This shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is partly allowed with the aforesaid directions. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Assistant Commissioner of Labour,
Authority Under Payment of Gratuity Act,
Tirunelveli.

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G.R.SWAMINATHAN, J.

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