



W.P.(MD)No.19347 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.19347 of 2022

and

W.M.P.(MD)Nos.14116 and 14117 of 2022

The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Tirunelveli Region,
Palayamkottai,
Tirunelveli District.

... Petitioner

Vs.

1.The Appellate Authority under
the Payment of Gratuity Act/
Additional Commissioner of Labour,
Office of the Joint Commissioner of Labour,
Madurai.

2.The Controlling Authority under
the Payment of Gratuity Act/
Deputy Commissioner of Labour,
Office of the Assistant,
Commissioner of Labour,
Tirunelveli.

3.S.Balasubramanian

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned orders passed by the first respondent in P.G.A.No.32 of 2020, dated 25.01.2021, confirming the order passed by the second respondent in P.G.No.49 of 2016 dated 20.03.2020 and quash the same.

For Petitioner : Mr.G.Mohan Kumar
For R1 & R2 : Mrs.K.Christy Theboral
Additional Government Pleader
For R3 : Mr.S.Arunachalam

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent in P.G.A.No.32 of 2020, dated 25.01.2021, confirming the order passed by the second respondent in P.G.No.49 of 2016 dated 20.03.2020 and to quash the same.

2. The petitioner Corporation filed this writ petition challenging the impugned order passed by the Gratuity authority, the first respondent



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herein on the ground that the period of removal from service was taken into consideration for granting gratuity amount to the third respondent.

3. The learned counsel appearing for the third respondent would submit that this Court may issue a direction to the second respondent to pay the gratuity amount for the period from 27.01.1983 to 17.12.2012 with proportionate interest, after deducting the dismissal period from 17.12.2012 to 27.02.2015.

4. In view of the consent view expressed by the learned counsel for the third respondent, the impugned order passed by the first respondent dated 25.01.2021 is modified to the extent that the second respondent is directed to pay the gratuity amount to the third respondent by calculating the period from 27.01.1983 to 17.12.2012, along with admissible interest and to disburse the balance amount to the petitioner Corporation.



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5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

30.01.2023

NCC: Yes/No

Index : Yes / No

Speaking Order : Yes / No

akv

To

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M.DHANDAPANI,J.

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