



W.P.(MD).Nos.28227 and 27629 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.(MD).Nos.28227 and 27629 of 2022

and

W.M.P(MD) Nos.22300 and 21747 of 2022

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Sidco Campus,
Tuticorin.

... Petitioner in both W.Ps.

vs.

1.The Appellate Authority under the
Payment of Gratuity Act,
(Additional Commissioner of Labour),
Housing Board Office Building,
Ellis Nagar,
Madurai 625 016.

2.The Authority of the Payment of Gratuity Act,
O/o. Deputy Commissioner of Labour,
Tirunelveli.

3.M.Soosaimuthu

4.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Street,
Chennai 10.

... Respondents in W.P.(MD).No.28227 of 2022



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- 1.The Appellate Authority under the
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(Additional Commissioner of Labour),
Housing Board Office Building,
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Madurai 625 016.
- 2.The Authority of the Payment of Gratuity Act,
O/o. Deputy Commissioner of Labour,
Tirunelveli.
- 3.Nagaraju
- 4.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.13, Thambusamy Street,
Chennai 10.

... Respondents in W.P.(MD).No.27629 of 2022

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records from the first respondent and impugned order of the first respondent made in P.G.Appeal Nos.7 and 8 of 2022, dated 01.07.2022 and quash the same.

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For Petitioner	: Mr.C.G.Pethanaraj
For R1 & R2	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3	: Mr.S.Chinnaian
For R4	: No appearance



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For Petitioner : Mr.C.G.Pethanaraj
For R1 & R2 : Mr.K.Christy Theboral
Additional Government Pleader
For R3 : Mr.S.Chinnaian
For R4 : No appearance

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they have been taken up together and disposed of by this Common order.

2. These writ petitions have been filed challenging the order passed by the first respondent in P.G.Appeal Nos.7 and 8 of 2022, dated 01.07.2022 and to quash the same.

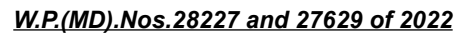
3. The case of the petitioner is that the private respondents were appointed as Trainee Pattial Clerk in the petitioner Corporation in the year 1985 and 1984 respectively. Thereafter, they were appointed as Bill Clerk in the year 1990 and retired from service in the year 2019 and 2018 respectively, after completion of 34 years. Immediately after the



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retirement, the petitioner Corporation paid the gratuity amount of Rs. 8,46,930/- and Rs.8,22,279/- to the private respondents. Thereafter, the private respondents made applications before the original authority viz., the Authority of the Payment of Gratuity Act, Tirunelveli, claiming differential amount of gratuity to the tune of Rs.2,09,790/- and Rs. 2,05,570/-. The original authority allowed the applications in favour of the private respondents without interest. Aggrieved over the same, the private respondents have filed appeals before the appellate authority viz., the Appellate Authority under the Payment of Gratuity Act, Madurai. The appellate authority allowed the appeals in P.G.Appeal Nos.7 and 8 of 2022 filed by the private respondents awarding interest at the rate of 10%. Challenging the same, the petitioner Corporation filed the present writ petitions.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner Corporation filed these writ petitions only on the ground of awarding interest by the appellate authority. However, the eligible gratuity amount was disbursed in favour of the private respondents immediately after their retirement and there is no delay on the part of the petitioner Corporation. Further,



5. The learned counsel appearing for the private respondents submit that there was a delay in filing the gratuity applications with the original authority. Hence, this Court may issue a direction to the Petitioner Corporation to disburse the gratuity amount in favour of the private respondents without interest.

6. It is not disputed by the parties that the amount towards the differential gratuity has been deposited by the petitioner before the appropriate authority. The order of the appellate authority is assailed only on the ground of award of interest at 10%.



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7. Though the appeal was filed by the private respondents before the appellate authority as no interest was granted, while the present writ petitions have been filed questioning the order passed by the appellate authority, however, when the matter is taken up for hearing, learned counsel for either side, fairly consented that this Court may not interfere with the order to the extent of payment of differential gratuity amount, but this Court may set aside the award of interest of 10% ordered by the appellate authority.

8. In view of the fair stand taken by the learned counsel on either side, this Court, without interfering with the impugned order insofar as award of differential gratuity amount, however, the order relating to payment of interest at 10% alone deserves to be set aside. Accordingly, these writ petitions are disposed of by directing the petitioner to deposit the differential gratuity amount alone within a period of two weeks from the date of receipt of a copy of this order before the appropriate authority/1st respondent, who on deposit of the said amount shall disburse the same to the 3rd respondent in the respective writ petitions



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within a period of two weeks thereafter. The order insofar as award of interest at 10% is set aside.

9. These writ petitions are disposed of with the aforesaid directions. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

10.01.2023

akv

To

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M.DHANDAPANI,J.

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