



WEB COPY



W.P.Nos.1965, 1966, 1971, 1974 & 1976 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.1965, 1966, 1971, 1974 & 1976 of 2022 and
WMP.Nos.2127 & 2135 of 2022

WP.No.1965 of 2022

M.Krishnan

... Petitioner

Vs.

- 1.The General Manager(Administration)
Gratuity Trust Fund,
Tamilnadu Civil Supply Corporation Ltd.,
Head Office,
Kilpauk, Chennai-10
- 2.The Regional Manager,
Tamilnadu Civil Supply Corporation Ltd.,
Regional Office,
Vellore
- 3.The Regional Manager,
Tamilnadu Civil Supply Corporation Ltd.,
Regional Office,
Villupuram

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a writ of certiorarified mandamus calling for the records



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in Na.Ka.No.AGR2/50267/2021 on the file of the respondent dated 02.09.2021 and quash the same as illegal and direct the respondents to pay the 12% interest on the belated payment to the petitioner as per the Circular dated 19.05.2014.

For Petitioner
in all WP's : Mr.A.Vinupradha

For Respondents
in all WP's : Mr.C.Selvaraj,

COMMON ORDER

These writ petitions have been filed challenging the order passed by the first respondent dated 02.09.2021, thereby rejected the claim of interest on belated payment.

2. The petitioners had retired from the respondents Corporation. They had been settled with terminal benefits only after many years from the date of retirement. Therefore, they submitted representation seeking interest for the gratuity amount from the date on which the amount became due. As per the circular dated 19.05.2014 issued by the Managing Director of the Tamilnadu Civil Supply



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Corporation revealed that during 1978-1987 Trainee Shop Assistants / Trainee Bill Clerks were recruited in Amudham Village Fair Price Shops in Thanjavur, Cuddalore, Dharmapuri and Tirunelveli Districts under the Special Scheme of Corporation Retail Trade Development Training Programme. They were initially paid monthly stipend of Rs.100/- and later increased to Rs.350/- per month. As per the Government order in GO.Ms.No.1204 Cooperation, Food and Consumer Protection Department dated 11.08.1987, all these Amudham Village Fair Price Shops have been transferred to Cooperative Societies from 01.10.1987 by giving an option to the Trainee Bill Clerks / Trainee Shop Assistants, either they can go over to the Cooperative Societies or to remain in Tamilnadu Civil Supply Corporation. Those who had preferred to work in the Tamilnadu Civil Supply Corporation were absorbed as Packer in the year 1989 and subsequently, they were promoted as Bill Clerks. Therefore, those period were not taken into account for calculating gratuity. However, subsequent to the resolution, the period was also taken for the purpose of calculating gratuity. Now the petitioners are seeking interest for the belated payment of gratuity.



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3. Similar issue was already dealt with by this Court and held that Section 2(e) of the Payment of Gratuity Act, 1972 excludes 'apprentice' from the definition of 'employee'. Therefore, the controlling authority may not have jurisdiction to even entertain any claim with regard to the period undergone by a person as apprentice. Further, Section 4(5) of the Gratuity Act enables an employee to receive better terms of gratuity under any award or agreement or contract with the employer. Further, interest awarded in respect of apprenticeship period was set aside.

4. In view of the above, this Court finds no infirmity or illegality in the impugned order. As such, all the writ petitions are devoid of merits and liable to be dismissed. Accordingly, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

14.03.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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