



W.P.No.7116 of 2021.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.No.7116 of 2021

G.Vijaya Kumar
Ex.Head Constable/Driver,
Central Industrial Security Force,
C32/14, Mohan Nagar Township,
Salem Steel Plant,
Salem- 636 030.

...Petitioner

Vs.

1.The Director General,
Central Industrial Security Force,
Head Quarters,
CGO Complex, Lodhi Road,
New Delhi- 110 003.

2.The Deputy Inspector General,
Central Industrial Security Force,
Bokaro Steel Plant,
Bokaro Steel City,



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Bokaro,
Jharkhand- 827 001

- 3.The Senior Commandant,
Central Industrial Security Force,
Bokaro Steel Plant,
Bokaro Steel City,
Bokaro,
Jharkhand-827 001.
- 4.The Deputy Commandant/Adm.,
Central Industrial Security Force,
Bokaro Steel Plant,
Bokaro Steel City,
Bokaro,
Jharkhand-827 001.
- 5.The Assistant Commandant/DDO,
Central Industrial Security Force,
Bokaro Steel Plant,
Bokaro Steel City,
Bokaro,
Jharkhand-827 001.
6. The Deputy Commandant,
Central Industrial Security Force Unit



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Salem Steel Plant,
Salem-630 013.

7.The Managing Director,
Bokaro Steel Plant,
Bokaro Steel City,
Bokaro,
Jharkhand-827 001.

8. The Exchange Director,
Salem Steel Plant,
Salem-636 013.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, directing to call for records relating to the impugned order passed by the 5th respondent in his order No.E.28014/CISF/BSL/ADMN/2021-455 dated 18.01.2021 and quash the same and to direct the 1 to 3 respondents to disburse the all consequential service cum monetary benefits.

For Petitioner	: Mr.Thiyagarajan
For RR1 to R6	: Ms.V.Sudha Standing Counsel



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ORDER

This petitioner herein was appointed as Head Constable/Driver on 15.01.2001 in the Central Industrial Security Force. He was selected for the post of Heavy Vehicle Driver in the 7th respondent/Organization and accordingly, the petitioner submitted his Technical Resignation letter on 11.09.2007 before the 3rd respondent. But, on the insistence of the 3rd respondent and advice, the petitioner claimed to have submitted a normal Resignation and thereby, the petitioner was relieved from service and he joined the 7th respondent/Organization. Thereafter, the benefits due to the petitioner, in terms of resignation from service were paid to the petitioner. It is thereafter in the year 2015, the petitioner made a claim for payment of gratuity by treating his technical resignation and the said claim of the petitioner was rejected by the respondents by passing an order dated 24.01.2015. It is thereafter, once again the petitioner made a claim for payment of gratuity by submitting a fresh application on 01.01.2021. however, the said claim was rejected by the respondents by passing an order dated 18.01.2021. Aggrieved by the said order, the petitioner approached this Court by filing the present writ petition.



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2.The respondents 1 to 6 had filed a counter affidavit, which they have stated that the consequent upon issuing a master circular dealing with the aspect of Technical Resignation issued on 27.08.2018, the petitioner is entitled for payment of gratuity and accordingly, the petitioner was informed about the same by communication dated 05.07.2021 requiring the petitioner to submit his Bank details, PAN Card and Aadhar Card in order to credit the monetary benefit into his account. The said counter affidavit has been filed on 01.10.2021. It is not in dispute that the petitioner received the said communication dated 05.07.2021. In spite of the same, the petitioner failed to furnish the Bank details, PAN Card and Aadhar Card, as required by the respondents and for want of supplying the said particulars, the amount of gratuity could not be credited to the bank account of the petitioner. According to the learned counsel for the petitioner, the petitioner has not furnished any particulars as sought for by the respondents.

3.The learned counsel for the petitioner contended that the normal resignation of the petitioner ought to have been treated as technical resignation by virtue of circular that was issued in the year 2016



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and therefore, the petitioner is entitled for payment of interest on the gratuity amount payable to the petitioner. The basis for the petitioner to claim to treat the normal resignation as a technical resignation is only basing upon a circular said to have been issued in the year 2016 which is again reiterated in the year 2018. Even prior to issuance of both the circulars, the petitioner made a claim in the year 2015 but the same was negated by the respondents based upon the circulars that were governing the situation as on that date. Thereafter, it is only in the year 2021 i.e., in the month of January 2021, the petitioner made a claim for payment of gratuity and the same was though negated by the respondents, on filing of this writ petition the respondents have expressed their readiness to pay the said amounts by communicating through letter dated 07.06.2021 and required the petitioner to furnish certain particulars. But for the reasons best known, the petitioner instead of furnishing the particulars had intended to pursue the writ petition only. This Court, taking note of the fact that the respondents have already expressed their willingness to pay the gratuity, after filing of the writ petition, this Court does not see any reason to award any interest, especially taking into consideration the conduct of the petitioner in



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refusing to furnish the particulars as sought for by the respondents. In view of the same, this Court is not convinced with the claim of the petitioner for payment of the said amount of gratuity due and payable. The petitioner himself is the cause for the delay in disbursement of the amount from the month of July 2021, and not the respondents. Therefore, the serious claim made by the learned counsel for the petitioner for payment of interest on the gratuity amount is declined.

4. In view of the offer already made by the respondents, the writ petition is disposed of permitting the petitioner to furnish the details as required by the respondents through communication dated 05.07.2021 and on furnishing of such details by the petitioner, the 4th respondent is directed to disburse the amount of gratuity due and payable to the petitioner, within a period of two weeks from the date of furnishing of the particulars.

5. In the result, this writ petition stands disposed of. The miscellaneous application, if any, shall stand closed. No costs.



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vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

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Head Quarters,
CGO Complex, Lodhi Road,
New Delhi- 110 003.

2.The Deputy Inspector General,
Central Industrial Security Force,
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Jharkhand- 827 001

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Bokaro Steel City,
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MUMMINENI SUDHEER KUMAR, J.

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