



WEB COPY



WP.No.7216 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

**CORAM:
THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.No.7216 of 2022

Dhinakuli Tholilalar Sangam
rep. by its Secretary-S.Sriraman

...

Petitioner

versus

1. The Managing Director,
Thiruthani Coop.Sugar Mills Ltd.,
Thiruvallankadu-631210
Thiruvallur District.

2.The Commissioner, Sugar Corporation,
No.690, Anna Salai,
Nandanam, Chennai 600 035.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus directing the 1st respondent to issue the
gratuity amount with interest to the petitioner members.

For Petitioner : Mr.S.Ezhilraj for Mr.E.Anbu Malar

For Respondents : No appearance



WP.No.7216 of 2022

WEB COPY

ORDER

This writ petition has been filed seeking a Writ of Mandamus directing the 1st respondent to issue the gratuity amount with interest to the petitioner's union members and pass orders to that effect.

2. Heard Mr.S.Ezhilraj, learned Counsel for the petitioner and perused the materials available on record. There is no appearance on behalf of respondents.

3. Mr. S. Ezhilraj, learned counsel for the petitioner submitted that the petitioner union members are seasonal employees who have completed over 20 years of service and are therefore entitled to receive gratuity in accordance with the circular dated 31.07.1991 issued by the 2nd respondent's office.

4. In the circular dated 31.7.1991, it is stated that the seasonal employees were paid with 7 days wages, as gratuity per year; but it has been later enhanced to 15 days wages [if they have completed 20 years of service] on par with the regular employees in view of the circular dated 25.07.1990. The petitioner union members claim that they have completed 20 years of service



WP.No.7216 of 2022

despite they were not given with gratuity calculated as per circular dated 25.7.1990. Since the seasonal employees have completed 20 years, they are treated on par with the regular employees. In the matter of payment of gratuity, I feel the 1st respondent should be directed to consider the representation of the petitioner's union members by considering the 2nd respondents circular in pursuant to their own circular dated 31.7.1991 and 27.5.1990 and pass orders in accordance with merits.

5. In fact, some of the workers who had already filed Writ Petitions in ***W.P.No.17795/ 2022., batch, [D.Elansekaran and others Vs.The Managing Director and others]*** by claiming full gratuity in view of the circular above mentioned above. Even though the respondents have contested the above writ petitions by stating that the circular cannot override the statute, those writ petitions have been allowed. The writ appeal in ***W.A. No.361/2024, batch, [The Managing Director and another Vs. M.Natarajan and others]*** filed by the respondent management was also dismissed by confirming the orders passed in the writ petitions.

6.In pursuant to the above judgements, now the position is well settled



WP.No.7216 of 2022

that even if the employee is a seasonal employee, if he had completed 20 years of service, he is entitled to get full gratuity as that of a regular employee. Since various judicial pronouncements have been rendered in this regard and similar such directions have been given by this Court repeatedly, I feel it is appropriate to extend the same relief to the members of the petitioners union have completed 20 years of service.

7. In view of the above stated reasons, this Writ petition stands disposed of. The respondents are directed to pay the balance gratuity amount to the respective members of the petitioner's union who have completed 20 years of service, as expeditiously as possible. There shall be no order as to costs.

05.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

jrs



WP.No.7216 of 2022

To

1. The Managing Director,
Thiruthani Coop.Sugar Mills Ltd.,
Thiruvankadu-631210
Thiruvallur District.

2. The Commissioner, Sugar Corporation,
No.690, Anna Salai,
Nandanam, Chennai 600 035.



WEB COPY



WP.No.7216 of 2022

R.N.MANJULA, J.

jrs

W.P.No.7216 of 2022

05.09.2024