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W.P.No.17081 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.17081 of 2021

N.Vannisamy

... Petitioner

Vs.

1.Tamil Nadu Civil Supply Corporation
Rep by its Manager (Administration),
No.12, Thambusami Road,
Kilpauk, Chennai 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supply Corporation,
Kancheepuram Division, Kancheepuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the orders passed by the first respondent in Na.Ka.No.AGR1/35305/2021 dated 01.04.2021 and quash the same and further direct the respondents to pay the interest for the retirement benefits of Rs.5,02,674/- at the rate of 10% per annum from the date of retirement of the petitioner i.e., 31.05.2018 to till date.

For Petitioner : Mr.S.Parthasarathy

For Respondents : No appearance



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the orders passed by the first respondent in Na.Ka.No.AGR1/35305/2021 dated 01.04.2021 and quash the same and further direct the respondents to pay the interest for the retirement benefits of Rs.5,02,674/- at the rate of 10% per annum from the date of retirement of the petitioner i.e., 31.05.2018 to till date.

2. Heard Mr.S.Parthasarathy, learned counsel for the petitioner.

3. The petitioner retired from service on 31.05.2018. However, the gratuity amount was paid only on 31.07.2020. So the petitioner claimed interest for the delay in settling gratuity amount. But the same was denied by passing the impugned order dated 01.04.2021 by stating that the pay drawn particulars and the recommendation for gratuity were not sent within the time and immediately after the particulars were obtained, the order for sanctioning gratuity was passed and hence, interest cannot be allowed.

4. The learned counsel for the petitioner submitted that as per



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Section 7(3) of the Payment of Gratuity Act, 1972, *the employer shall arrange to pay the amount of gratuity within thirty days from the date it becomes payable to the person to whom the gratuity is payable.* It is submitted that the failure on the part of the employer to send the required particulars and recommendation within 30 days from the date of retirement in order to get it sanctioned, cannot take away the entitlement of the petitioner to claim interest.

5. No doubt it is the obligation of the employer to send all the necessary details along with the recommendation for gratuity in order to enable the authority concerned to settle the gratuity within 30 days from the date on which it is payable. Had the steps were taken much before the date of retirement, the papers would have been perfectly collected and sent to the authority concerned. Even those papers which have been sent were seemed to have been returned for various reasons and that had caused delay in disbursing the gratuity amount to the petitioner after two years. The petitioner is not the reason for the delay in settlement of gratuity and it is not the claim of the respondents that the petitioner is not entitled to gratuity. Therefore, the petitioner cannot be held liable for the



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delay in payment of gratuity and hence, the impugned order is liable to be set aside.

6. In the result, this Writ Petition is allowed and the orders passed by the first respondent in Na.Ka.No.AGR1/35305/2021 dated 01.04.2021 is set aside. The respondents are directed to pay the interest for the retirement benefits of Rs.5,02,674/- at the rate of 6% per annum from the date of retirement of the petitioner i.e., 31.05.2018 to till the date of disbursement of the gratuity amount i.e., 31.07.2020, within a period of six weeks from the date of receipt of a copy of this order. No costs.

18.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

1.The Manager (Administration),

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Tamil Nadu Civil Supply Corporation
No.12, Thambusami Road,
Kilpauk, Chennai 600 010.

2.The Regional Manager,
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Kancheepuram Division, Kancheepuram.



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R.N.MANJULA, J.

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