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W.P.No.17140 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM:

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

W.P.No.17140 of 2024

P.Sri Renganathan

... Petitioner

Vs

1. Government of Tamil Nadu,
represented by its Principal Secretary,
Dept of Higher Education,
Chennai 09.

2. Director of Collegiate Education,
Saidapet,
Chennai 600 015.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, directing the respondents to pay
the gratuity to the petitioner pursuant to the representation dated 09.05.2024 and
14.05.2024.

For Petitioner : Mr.B.Ravi

For Respondents : Mr.C.Jayaprakash
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents to
pay the gratuity to the petitioner pursuant to the representation dated 09.05.2024
and 14.05.2024.

2. Heard the learned counsel on either side and perused the materials



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available on record.

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3. The petitioner was appointed as Assistant Professor in the department of Chemistry in the Government Collegiate Services on 01.03.2011. He had retired from service on 31.07.2023. However, he was reemployed till 30.04.2024, as per the new pension scheme, which came to the effect from 01.04.2003, as per G.O.Ms.No.259, dated 06.08.2003. It was introduced to the newly recruited employees which is applicable to all the employees who are recruited on or after 01.04.2003. Accordingly, it is mandatory for all the new employees recruited after 01.04.2003 to become members of the scheme. Accordingly, each employee would pay monthly contribution of 10% Basic Pay+D.A to their Contributory Pension Scheme. It shall be recovered from the monthly salary of the employee.

4. As per G.O.Ms.No.59 dated 22.02.2016, further clarifications were issued stating that the Contributory Pension Scheme accumulation and the employer interest are to be paid to the employees on retirement after obtaining an undertaking that they would not make any further claim under the scheme. After retirement, the petitioner made an application to the second respondent to release the retirement benefits. However, the second respondent failed to take



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any steps for payment of gratuity. Therefore, the petitioner approached this

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5. The learned counsel for the petitioner would submit that the petitioner is not entitled for gratuity. However, it is coming under the Central Act. The respondents have nothing to do with the gratuity. However, they are liable to pay the retirement benefits under the Contributory Pension Scheme.

6. Therefore, the respondents are directed to disburse the retirement benefits under the Contributory Pension Scheme to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

02.07.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J.

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Government of Tamil Nadu,
Dept of Higher Education,
Chennai 09.
2. Director of Collegiate Education,
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