



WEB COPY



W.P.No.27253 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 30.09.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.27253 of 2024**

K.Thiruvarasamurthy

.... Petitioner

-Vs-

1.Tamil Nadu Civil Supplies Corporation

Rep. By its Regional Manager

Vengai Kal

Thiruvannamalai.

2.The Controlling Authority

Under the Payment of Gratuity Act 1972

Cum Deputy Commissioner of Labour

Office of the Joint Commissioner of Labour

Vellore.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1<sup>st</sup> respondent to release the gratuity computed by the 2<sup>nd</sup> respondent under the payment of the Gratuity Act in PG No.135 of 2022 dated 26.6.2023 within 10% as directed in the order without further delay.

For Petitioner : Mr.S.Venkataraman

For Respondents : Mr.C.Selvaraj  
Additional Government Pleader  
for R1

Mr.K.Tamilvendan  
Government Advocate  
for R2



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## **ORDER**

This writ petition has been filed for the issue of a writ of mandamus directing the 1<sup>st</sup> respondent to release the gratuity amount computed by the 2<sup>nd</sup> respondent under the payment of Gratuity Act in PG No.135 of 2022, by order dated 26.6.2023 along with interest.

2.When the matter came up for hearing on 19.09.2024, this Court passed the following order:

Mr.C.Selvaraj, learned Additional Government Pleader takes notice for the 1<sup>st</sup> respondent.

2.Mr.K.Tamilvendan, learned Government Advocate takes notice for the 2<sup>nd</sup> respondent.

3.Learned Additional Government Pleader for 1<sup>st</sup> respondent on instructions submitted that against the order passed by the 2<sup>nd</sup> respondent dated 26.06.2023, an appeal has been filed and the same is pending. The learned counsel further submitted that the entire amount has been deposited with interest at the time of filing the appeal.

4.The learned counsel sought for some time to take written instructions in this regard.

5.Post this case at the end of the motion list on 30.09.2024.



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3. When the matter was taken up for hearing today, the learned counsel for the 1<sup>st</sup> respondent submitted that since there was enormous delay, the appeal was not filed and thereby the order passed by the 2<sup>nd</sup> respondent is in force. The learned counsel further submitted that the gratuity amount that was directed to be paid by the 2<sup>nd</sup> respondent has already been deposited on the file of the Deputy Commissioner of Labour, Vellore, along with interest. The relevant documents were also placed before this Court.

4. In the light of the above development, the petitioner will be entitled for the gratuity amount that has been deposited by the 1<sup>st</sup> respondent since the order passed by the 2<sup>nd</sup> respondent has become final. Accordingly, the petitioner is permitted to withdraw the gratuity amount that has already been deposited by the 1<sup>st</sup> respondent along with interest to the credit of Deputy Commissioner of Labour, Vellore.

5. Insofar as the recovery that is attempted to be made from the petitioner, it is not necessary for this Court to render its opinion and if any such right subsists, it is left open to the 1<sup>st</sup> respondent to proceed further in accordance with law.

6. The petitioner shall submit an appropriate application before the concerned authority and seek for withdrawal of the amount and the petitioner shall be permitted to withdraw the amount.



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**N.ANAND VENKATESH, J.**

KP

7.This writ petition is disposed of in the above terms. No costs.

**30.09.2024**

Index : Yes/No

NCS : Yes/No

KP

To

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