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W.P.No.29143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.29143 of 2024

S.Ilangovan

... Petitioner

Vs.

1.The Managing Director,
M/s.Jayaprakash Narayan Coop. Spinning Mills Ltd.,
Keezhamanai Village, Neravy Post,
Karaikal 609 604.

2.The District Collector-cum-Administrator,
M/s.Jayaprakash Narayan Coop. Spinning Mills Ltd.,
District Collector's Office,
Karaikal 609 601.

3.The Secretary of Co-operative Department,
Government of Puducherry,
Secretariat, Puducherry 605 001.

4.The Registrar of Co-operative Societies,
Government of Puducherry, Puducherry 605 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, to direct the respondents 1 and 2 to pay the



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gratuity amount due along with interest as per the orders passed by the Controlling Authority, Karaikal under the provisions of the Payment of Gratuity Act, 1972, in his PG.No.158 of 2023 dated 14.12.2023.

For Petitioner : M/s.S.Supriya

For Respondents : Mrs.M.Jayanthi, AGP for R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1 and 2 to pay the gratuity amount due along with interest as per the orders passed by the Controlling Authority, Karaikal under the provisions of the Payment of Gratuity Act, 1972, in his PG.No.158 of 2023 dated 14.12.2023.

2. Heard Ms.S.Supriya, learned counsel for the petitioner and Mrs.M.Jayanthi, learned Additional Government Pleader for the second respondent and perused the materials available on record.

3. The petitioner was working with the first respondent / Mill for 27 years and has resigned in the year 2021 in the post of General



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Manager. As the petitioner suffered from brain hemorrhage and Paralytic attack, he needed to submit his resignation and the resignation has been accepted with effect from 19.08.2021. However, the terminal benefits of the petitioner has not been settled so far. So far as gratuity is concerned, the petitioner has made an application before the Controlling Authority under the Payment of Gratuity Act, under which, an order has been passed by the authority concerned on 14.12.2023 by calculating the gratuity entitlement of the petitioner at Rs.11,00,275/- along with interest at the rate of 10% per annum from the date of acceptance of resignation till the date of payment. Despite the petitioner has given representation, the respondents 1 and 2 did not come forward to settle the gratuity amount along with interest.

4. The gratuity payable to the petitioner is his legal entitlement and the quantum of which has also been determined by the Controlling Authority through his proceedings dated 14.12.2023. Since the respondents 1 and 2 have failed to settle the gratuity entitlement of the petitioner, I feel it is appropriate to give a direction to the respondents 1



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and 2 to pay the gratuity amount.

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5. Accordingly, this Writ Petition is allowed and the respondents 1 and 2 are directed to pay the gratuity amount due to the petitioner along with interest as per the order of the Controlling Authority, Karaikal, dated 14.12.2023, within a period of four weeks from the date of receipt of a copy of this order. No costs.

14.10.2024

Index : Yes /No

Speaking / Non-speaking

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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