



W.P.No. 31670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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V. Rajendiran

.. Petitioner

Versus

1. The Managing Director,
Tamilnadu State Transport Corporation
(Villupuram) Limited,
3/137, Salamedu, Valudha Reddy Post,
Villupuram – 605 602.

2. The Deputy General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Thiruvannamalai Region,
Vengikkal, Bye Pass Road,
Thiruvannamalai – 606 604.

...Respondents

Prayer: This petition is filed under article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 17.11.2023 of the second respondent and quash the same and consequently direct the respondent to pay difference in Gratuity with 10% interest to the petitioner by adding



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training period for calculation of gratuity with 10% interest to me by adding training period for calculation of gratuity and pass orders.

For Petitioner : Mr.S.T. Varadarajalu

For Respondents1 and 2 : Mr.R.Venkatesa Perumal
Standing Counsel

ORDER

This writ petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 17.11.2023 of the second respondent and quash the same and consequently direct the respondent to pay difference in Gratuity with 10% interest to the petitioner by adding training period for calculation of gratuity with 10% interest to me by adding training period for calculation of gratuity

2. The case of the petitioner is that the petitioner is an retired employee of the Tamil Nadu State Transport Corporation Ltd., The grievance of the petitioner is that the respondent has paid the retirement benefits belatedly due to which the petitioner filed W.P.No.4497 of 2024 seeking a direction to pay the interest for the belated payment and this



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Court disposed of the writ petition directing the respondent to pay interest for the belated payments and the respondent also settled interest for the belated payments of gratuity. However, the training period undergone by the petitioner i.e from 31.01.1987 to 31.01.1988 was not taken into account for calculating the payment and also did not pay the difference amount in gratuity. Hence, the petitioner filed W.P.No.18586 of 2023 seeking directing to include training period for calculation of gratuity and this Court vide order dated 26.06.2023 directed the respondent consider the case of the petitioner and Pay the eligible amount to the petitioner. Pursuant to which the second respondent passed the impugned order wherein they have clearly stated that the training period undergone by the petitioner from 31.01.1987 to 31.01.1988 will not be taken into account for calculating the monetary benefits of the petitioner. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that the impugned order passed by the second respondent dated 17.11.2023 is



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illegal and the same needs to be set aside. Hence, prays to allow this petition.

4. The learned standing counsel appearing for the respondents submitted that while arriving the terminal benefits to the employees the date on which he is regularized will be taken into account and the training period will not be taken into account. Hence, prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen that the petitioner joined in the organization on 31.01.1987 and he was sent to training at the discretion of the appointing authority. It is also pertinent to note that the petitioner has already approached this Court in W.P.No. 18586 of 2023 to include training period for calculation of gratuity and this Court vide order dated 26.06.2023 directed the respondent to consider the case on merits and in accordance with law . However, in the impugned order the respondents



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have not stated about any Rules or Regulations which indicates that the training period will not be taken into account and simply stated that the training period undergone by the petitioner will not be taken into account while calculating the terminal benefits.

7. Considered the facts of the case, this Court is inclined to quash the impugned order passed by the second respondent on 17.11.2023 and the respondents are directed to pass fresh orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No order as to costs.

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Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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To

1. The Regional Transport Authority,
Coimbatore (South)
100, Peelamedu Pudur Road,
Coimbatore – 641 004.
2. The Inspector of Police,
Traffic Investigation Wing(East)
Coimbatore City, Katoor,
Gandhipuram, Coimbatore-641 018.



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V.BHAVANI SUBBAROYAN, J.

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