



W.P.Nos.32591, 32594 & 32595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.Nos.32591, 32594 and 32595 of 2023

V.Poucheparaju ... Petitioner in W.P.No.32591 of 2023

K. Kumar ... Petitioner in W.P.No.32594 of
2023

V.Kishore Kumar ... Petitioner in W.P.No.32595 of
2023

Vs.

1. The District Collector,
I-Floor, New Collector ate Builing,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry-605 009.

2. The Managing Director,
Puducherry Road Transport Corporation Ltd.,
Raja Nagar, Puducherry-605 013.

3. Controlling Authority under the
Payments of Gratuity Act, 1972 cumulative
Labour Officer (Enforcement), Puducherry,
3rd Floor, Labour Department Complex,
Vazhudavoor Road, Gandhi Nagar,
Puducherry.

... Respondents in all W.Ps'



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Prayer in W.P.No.32591 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the 1st respondent to recover and pay petitioner the gratuity amount of Rs.12,87,171/- along with simple interest @ 10% from 30.11.2022 and compound interest @ 15% p.a., from 30.06.2023 till date of actual payment of gratuity amount from the 2nd respondent in terms of certificate in G.A.No.43/2023 dated 11.09.2023 within the time frame.

Prayer in W.P.No.32594 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the 1st respondent to recover and pay petitioner the gratuity amount of Rs.9,53,242/- along with simple interest @ 10% from 30.06.2021 and compound interest @ 15% p.a., from 30.06.2023 till date of actual payment of gratuity amount from the 2nd respondent in terms of certificate in G.A.No.44/2023 dated 11.09.2023 within the time frame.

Prayer in W.P.No.32595 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the 1st respondent to recover and pay petitioner the gratuity amount of Rs.19,69,455/- along with simple interest @ 10% from 30.04.2022 and compound interest @ 15% p.a., from 30.06.2023 till date of actual payment of gratuity amount from the 2nd respondent in terms of certificate in G.A.No.42/2023 dated 11.09.2023 within the time frame.

In all W.Ps':

For Petitioner : Mr.S.Lakshmi Narayanan

For Respondents : Mr.Ramaswamy Meyyappan
Government Advocate (Pondy) for R1 &

R3

: Mr.R.Sreedhar for R2



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COMMON ORDER

W.P.No.32591 of 2023 is filed seeking for direction by way of Mandamus to the 1st respondent to recover and to pay petitioner the gratuity amount of Rs.12,87,171/- along with simple interest @ 10% from 30.11.2022 and compound interest @ 15% p.a., from 30.06.2023 till date of actual payment of gratuity amount from the 2nd respondent in terms of certificate in G.A.No.43/2023 dated 11.09.2023 within the time frame.

W.P.No.32594 of 2023 is filed seeking for direction by way of Mandamus to the 1st respondent to recover and to pay petitioner the gratuity amount of Rs.9,53,242/- along with simple interest @ 10% from 30.06.2021 and compound interest @ 15% p.a., from 30.06.2023 till date of actual payment of gratuity amount from the 2nd respondent in terms of certificate in G.A.No.44/2023 dated 11.09.2023 within the time frame.

W.P.No.32595 of 2023 is filed seeking for direction by way of Mandamus to the 1st respondent to recover and to pay petitioner the gratuity amount of Rs.19,69,455/- along with simple interest @ 10% from 30.04.2022 and compound interest @ 15% p.a., from 30.06.2023 till date of



actual payment of gratuity amount from the 2nd respondent in terms of certificate in G.A.No.42/2023 dated 11.09.2023 within the time frame.

2. The petitioner in W.P.No.32591 of 2023 was appointed as a Driver vide Appointment order No.2494/ PTDC/ Estt/ 86 dated 17.12.1986 and was promoted as Assistant Engineer and working with the second respondent/ Puducherry Road Transport Corporation Ltd., (Government of Puducherry Undertaking) for 36 year. The petitioner was retired from service on 30.11.2022 on attaining the age of Superannuation. After his retirement, the second respondent had failed to pay the gratuity amount in accordance with the provisions of the Payment of Gratuity act, 1972 & rules framed thereunder. Petitioner had requested a letter to the second respondent for settlement of gratuity amount, however there was no response, hence he filed an application under Section 7(4) of the Payment of Gratuity Act, 1972 before the Controlling Authority cum Labour Officer (Enforcement), Puducherry claiming his gratuity amount from the second respondent. The second respondent failed to appear before the Controlling Authority cum Labour Officer (Enforcement) Puducherry and they were set ex-parte on 19.06.2023. On 30.06.2023, the third respondent had passed an order in G.A.No.43/2023 directing the second respondent to pay the petitioner the



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gratuity amount of Rs.12,87,171/- along with simple interest @ 10% from 30.11.2022, however, the second respondent has not complied with the order of the third respondent. Therefore, the petitioner on 01.08.2023 had filed an application before the third respondent for issuance of certificate under Section 8 of the Payment of Gratuity Act, 1972 for recovery of my gratuity amount to the tune of Rs.12,87,171/- from the second respondent. Third respondent has issued notice for Payment of Gratuity under Form-R dated 30.06.2023 to the second respondent directing them to pay the petitioner's gratuity amount of Rs.12,87,171/- along with simple interest @ 10% from 30.11.2022, but the second respondent had not responded to the said notice and not paid the gratuity amount to the petitioner. While being so, the third respondent has issued the recovery certificate dated 11.09.2023 bearing G.A.No.43/2023 under Section 8 of the Payment of Gratuity Act, 1972 to the 1st respondent for recovery of petitioner's gratuity amount of Rs.12,87,171/- along with Simple interest @ 10% from 30.11.2022 and compound interest @ 15% from 30.06.2023 till date of actual payment of gratuity amount. The petitioner had sent a representation dated 03.10.2023 to the first respondent for recovery of his gratuity amount from the second respondent, however the 1st respondent had not taken any action. Hence, the petitioner has preferred this instant Writ Petition.



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application before the third respondent for issuance of certificate under

Section 8 of the Payment of Gratuity Act, 1972 for recovery of my gratuity amount to the tune of Rs.9,53,242/- from the second respondent. Third respondent has issued notice for Payment of Gratuity under Form-R dated 30.06.2023 to the second respondent directing them to pay the petitioner's gratuity amount of Rs.9,53,242/- along with simple interest @ 10% from 30.06.2021, but the second respondent had not responded to the said notice and not paid the gratuity amount to the petitioner. While being so, the third respondent has issued the recovery certificate dated 11.09.2023 bearing G.A.No.44/2023 under Section 8 of the Payment of Gratuity Act, 1972 to the 1st respondent for recovery of petitioner's gratuity amount of Rs.9,53,242/- along with Simple interest @ 10% from 30.11.2022 and compound interest @ 15% from 30.06.2023 till date of actual payment of gratuity amount. The petitioner had sent an representation dated 03.06.2021 to the first respondent for recovery of his gratuity amount from the second respondent, however the 1st respondent had not taken any action. Hence, the petitioner has preferred this instant Writ Petition.

4. The petitioner in W.P.No.32595 of 2023 was appointed as a General Manager cum Company Secretary vide Appointment order



No.357/PT & TDC/A1/96 dated 16.01.1997 and working with the second

respondent/ Puducherry Road Transport Corporation Ltd., (Government of Puducherry Undertaking) for 25 year. The petitioner was retired from service on 30.04.2022 on attaining the age of Superannuation. After his retirement, the second respondent had failed to pay the gratuity amount in accordance with the provisions of the Payment of Gratuity act, 1972 & rules framed thereunder. Petitioner had requested a letter to the second respondent for settlement of gratuity amount, however there was no response, hence he filed an application under Section 7(4) of the Payment of Gratuity Act, 1972 before the Controlling Authority cum Labour Officer (Enforcement), Puducherry claiming his gratuity amount from the second respondent. The second respondent failed to appear before the Controlling Authority cum Labour Officer (Enforcement) Puducherry and they were set ex-parte on 19.06.2023. On 30.06.2023, the third respondent had passed an order in G.A.No.42/2023 directing the second respondent to pay the petitioner the gratuity amount of Rs.19,69,455/- along with simple interest @ 10% from 30.04.2022, however, the second respondent has not complied with the order of the third respondent. Therefore, the petitioner on 01.08.2023 had filed an application before the third respondent for issuance of certificate under Section 8 of the Payment of Gratuity Act, 1972 for recovery of my gratuity



amount to the tune of Rs.19,69,455/- from the second respondent. Third respondent has issued notice for Payment of Gratuity under Form-R to the second respondent directing them to pay the petitioner's gratuity amount of Rs.19,69,455/- along with simple interest @ 10% from 30.04.2022, but the second respondent had not responded to the said notice and not paid the gratuity amount to the petitioner. While being so, the third respondent has issued the recovery certificate dated 11.09.2023 bearing G.A.No.42/2023 under Section 8 of the Payment of Gratuity Act, 1972 to the 1st respondent for recovery of petitioner's gratuity amount of Rs.19,69,455/- along with Simple interest @ 10% from 30.04.2022 and compound interest @ 15% from 30.06.2023 till date of actual payment of gratuity amount. The petitioner had sent an representation dated 03.10.2023 to the first respondent for recovery of his gratuity amount from the second respondent, however the 1st respondent had not taken any action. Hence, the petitioner has preferred this instant Writ Petition.

5. Learned counsel for the respondent has filed counter affidavit and stated that as per E-Mail communication dated 29.03.2023 received from LIC, Vellore, the gratuity liability on Actuarial Basis was computed and thereby the balance amount payable towards gratuity liability as on



29.03.2023 figures out to Rs.17,11,40,617/- and requested the Trustees,

WEB CPTC to remit the gratuity liability fund on or before 31.03.2023. As PRTC is facing paucity of fund, it is requested to the Government of Puducherry for allotment of fund provision in the grant-in-aid towards the settlement of gratuity to the retired employees of the corporation. Once the same is allotted, the settlement of gratuity will be done.

6. When the matter was came up for hearing on 15.03.2024, this Court passed an order directing the 2nd respondent to initially pay 25% of gratuity amount to the petitioners on or before 27.03.2024 and as per the order, the second respondent has paid the 25% of the gratuity amount to the petitioners and the details of payment are as under:

<i>S.No</i>	<i>PETITIONER NAME</i>	<i>AMOUNT PAID (IN Rs)</i>	<i>DEMAND DRAFT NO</i>	<i>DATE OF PAYMENT</i>
1	V.Poucheperaju	3,21,793/-	127207	18.04.2024
2	K.Kumar	2,38,311/-	127205	18.04.2024
3	V.Kishore Kumar	4,92,364/-	127206	18.04.2024

7. A common compliance memo was filed by the second respondent with regard to the compliance of the order dated 15.03.2024 and the same was also recorded. At this Juncture, learned counsel for the respondent has submitted that PRTC is facing financial crises and stated that after receipt of



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the grant-in-aid from the Government of Puducherry, the settlement of gratuity amount to the petitioners will be settled, therefore, requested for time to settle the balance of amount towards the settlement of gratuity to the retired petitioners of the corporation.

8. Considering the facts and circumstances of this case, and also the submissions made by both sides, this Court is of the opinion that granting of some time will enable the second respondent Puducherry Road Transport Corporation to settle the balance 75% of the gratuity amount to the petitioners.

9. Accordingly, these Writ Petitions are disposed of directing the second respondent Puducherry Road Transport Corporation to pay the balance 75% of the gratuity to the petitioners as per order dated 30.06.2023 on or before 31st December 2024. No costs.

27.06.2024

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Index:Yes/No

Speaking Order: Yes/No



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W.P.Nos.32591, 32594 & 32595 of 2023

Dr.D. NAGARJUN, J.

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To

1. The District Collector,
I-Floor, New Collector ate Builing,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry-605 009.
2. The Managing Director,
Puducherry Road Transport Corporation Ltd.,
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3. Controlling Authority under the
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