



W.P.(MD).No.2152 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2152 of 2024

P.Tamilvannan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai District.

3.The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pattukottai Branch,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to sanction the following amount (i) 6% interest alone in the amount of gratuity Rs.76,946/- from the date of dismissal on 16.03.2006 to date of payment on 12.10.2023 (17 years and 6 months and 26 days) (ii) Provident



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Fund amount of Rs.54,228/- from the year 16.03.2006 to date of realization along with 6% interest. (iii) 6% interest alone for IRT amount Rs.4000/- from 16.03.2006 to date of realization.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents 1 and 2 herein to sanction the following amount (i) 6% interest alone in the amount of gratuity Rs.76,946/- from the date of dismissal on 16.03.2006 to date of payment on 12.10.2023 (17 years and 6 months and 26 days) (ii) Provident Fund amount of Rs.54,228/- from the year 16.03.2006 to date of realization along with 6% interest. (iii) 6% interest alone for IRT amount Rs.4000/- from 16.03.2006 to date of realization.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner joined duty as Driver in the respondent Corporation on 01.09.1987. On 13.07.2005, he was issued with a charge memo, following



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which he was removed from service on 16.03.2006 for the alleged absence from duty. At the time of his termination, the 2nd respondent orally informed the petitioner that the gratuity amount of Rs.1,00,000/-, Provident Fund amount of Rs.75,000/- are payable to him. However, the same has not been settled so far. Hence, he made a representation under Right to Information Act and sought for information regarding gratuity, provident fund, IRT and other amount payable to the petitioner. Vide reply, dated 24.11.2022 of the respondents, it was confirmed that he is entitled to Gratuity amount of Rs.76,946/-, Provident Fund amount of Rs.54,228/- and IRT amount of Rs.4,000/-. Thereafter, the petitioner approached the 2nd respondent in person and gratuity amount of Rs.76,946/- was settled on 12.10.2023 without 6% interest. He has also received IRT amount of Rs.4,000/- without interest and PF amount is not settled. He is entitled to receive his PF amount and interest on gratuity and IRT amount at the rate of 6%. He is entitled to receive interest on gratuity amount from 16.03.2006 till 12.10.2023. For which, he made a representation on 27.01.2023 and 21.06.2023. Since the same was not considered, the present writ petition has been filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to



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consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. This Court hereby directs the respondents to settle the following amount to the petitioner:

(i) PF amount (ii) The interest at the rate of 6% for gratuity from 16.03.2006 to 12.10.2023 (iii) The interest at the rate of 6% for IRT amount within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands allowed.

No costs.

02.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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WEB COPY To

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WEB COPY



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L.VICTORIA GOWRI, J.

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