



W.P.(MD)No.15181 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.15181 of 2018 &  
W.M.P.(MD)No.13719 of 2018

The Management,  
Tamil Nadu State Transport Corporation (Madurai) Limited,  
Madurai Region, Bye Pass Road, Madurai - 625 016.

...Petitioner

vs.

1.The Controlling Authority  
under the Payment of Gratuity Act, 1972  
(The Assistant Commissioner of Labour)  
Officer of Deputy Commissioner of Labour,  
Madurai.

2.K.Deivamani

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records on the files of the first respondent pertaining to the proceedings in P.G.No.69/2011 dated 29.08.2017 and quash the same as illegal.

For Petitioner : Mr.A.Jeyaram

For Respondents : Mr.P.Thambidurai,  
Government Advocate for R1  
Mr.S.Arunachalam for R2



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## ORDER

This writ petition was filed by the petitioner Management challenging the calculation of gratuity of the deceased employee at Rs. 82,987/- with interest at the rate of 10% per annum.

2. The learned counsel appearing for the petitioner Management would submit that in the present case, based on the 12(3) Settlement arrived in the year 2008, gratuity was calculated by the first respondent. However, he would submit that one more Settlement has been arrived in the year 2010 and as per the said Settlement, permission ought to be obtained from the Government for implementing the Settlement. Therefore, gratuity arrived at by the first respondent cannot be granted as such to the legal heirs of the deceased employee.

3. The learned Government Advocate appearing for the first respondent would submit that, in the present case, gratuity was calculated as per the 12(3) Settlement of the year 2008. As per the said Settlement, even though an employee passed away before retirement, his legal heirs



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are entitled to get gratuity for the entire service period i.e., from the date of the employee's appointment till the date of his retirement. The learned counsel for the respondent would add that no such Settlement was arrived in the year 2010 as claimed by the learned counsel for the petitioner. The petitioner Management has not also produced a copy of the Settlement that is claimed to be arrived in the year 2010.

4. I have give due consideration to the submissions made on either side and perused the materials available on record.

5. Though the learned counsel for the petitioner made submissions referring to the Settlement made in the year 2010, no copy of the same has been produced before this Court. However, a copy of the 12(3) Settlement made in the year 2008 is available before this Court which states that in the event an employee dies during service period, then, his legal heirs are entitled to get gratuity for the period from the date of his appointment till the date of his superannuation. The first respondent took into consideration the above aspect and directed the petitioner



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Management to pay a sum of Rs.82,987/- together with interest at the rate of 10% per annum. Under these circumstances, I do not find any substance in submissions of the learned counsel for the petitioner and I do not also find any error in the orders passed by the first respondent.

6. Accordingly, the writ petition is dismissed. The petitioner Management is directed to pay a sum of Rs.82,987/- to the legal heirs of the deceased employee together with interest at the rate of 10% per annum from the date of death of the employee till the date of payment within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

20.11.2024

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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KRISHNAN RAMASAMY, J.

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