



W.A(MD)No.851 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A(MD) No.851 of 2020

and

C.M.P(MD)No.4748 of 2020

1.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Madurai District,
Collectorate, Madurai – 625 020.

3.The Revenue Divisional Officer,
Madurai Division,
Collectorate,
Madurai – 625 020.

4.The Tahsildar,
Vadipatti Taluk,
Taluk Office, Vadipatti,
Madurai – 625 218.

... Appellants/Respondents

Vs.

S.Ponnangan

... Respondent/Petitioner

Prayer: Appeal filed under Clause 15 of the Letters Patent, to set aside the order
order passed in W.P(MD)No.9914 of 2019, dated 25.04.2019.



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For Appellants :Mr.A.Baskaran,
Additional Government Pleader
For Respondent :Mr.B.Rooban

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JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

The respondent herein was working as a Village Administrative Officer and he was dismissed from service on 29.06.2018 following a domestic enquiry. Since his terminal benefits were not paid, he approached this Court in WP(MD)No. 9914 of 2019 and it was disposed of by the learned Single Judge based on a similar view taken earlier in a case in WP(MD)Nos.979 and 980 of 2016, dated 19.01.2016. This order is now under challenge.

2. The learned Additional Government Pleader appearing for the appellants would submit that except gratuity and provident fund, the respondent was paid leave encashment as well as his subsistence allowance. He submitted that however, provident fund and gratuity alone remains to be paid but added that as per Section 4 of the Payment of Gratuity Act, 1972, gratuity since being a bounty paid by the Government to its servants for their dedicated service, it is not liable to pay to the one, who was dismissed from service.



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3. Heard both sides. So far as payment of provident fund is concerned, it is a statutory savings of the employee concerned and the employer will not have any authority to withhold it. Therefore, the appellants necessarily have to pay the same. So far as gratuity is concerned, it is paid by the Government under a statute for the unblemished services of the employee as per Section 4 of the Payment of Gratuity Act, 1972.

4. In view of the same, this appeal is partially allowed and the appellants are directed to pay only the provident fund due payable to the respondent and to that extent, the order of the learned single Judge will stand modified as this Court is now holds the appellants are not required to pay the gratuity. The appellants are directed to pay the provident fund due payable to the respondent, within a period of six weeks from the date on which this order is hosted in the official website. No costs. Consequently, connected Miscellaneous Petition is closed.

(N.S.S., J.)

(P.V.M., J.)

30.07.2024

NCC : Yes/No

Index : Yes/No

PM



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