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W.P.No.15347 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :01.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.15347 of 2023

and

W.M.P.Nos.14878 and 14882 of 2023

The Management,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem.

... Petitioner

VS-

1. The Appellate Authority / Additional Commissioner of Labour,
(Appellate Authority under the Payment of Gratuity Act, 1972)
Coimbatore.

2. The Controlling Officer,
Under the Payment of Gratuity Act, 1972,
Office of the Joint Commissioner of Labour,
Salem.

3. C. Marappan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records pertaining to the impugned order dated 13.01.2022 passed by the first respondent in P.G.A. No. 59 of 2021 by confirming the impugned order



W.P.No.15347 of 2020

dated 19.02.2021 passed by the second respondent in P.G. No. 22 of 2020 and quash the same as illegal, arbitrary and unconstitutional.

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For Petitioner : Mr. K. Raja

For Respondent – 1&2 : Mr. M. Murali
Government Advocate

For Respondent – 3 : Mr. N. Sudhagar Nagaraj

ORDER

Questioning the order passed in P.G.A.No.59 of 2021 in and by which the 1st respondent had confirmed the order passed by the 2nd respondent in P.G.No.22 of 2020, the Transport-Corporation is before this Court.

2. The short facts are as follows:

i. The 3rd respondent had joined the petitioner-Transport Corporation as a daily wage Conductor on 22.09.1992. Thereafter, on 01.08.1993, his service was regularized. He had continued his service till 30.04.2019, when he had attained the age of superannuation.



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ii. The 3rd respondent had filed an application under Rule 10(1) of the Tamil Nadu Payment of Gratuity Rules before the 2nd respondent in P.G.No.22 of 2020 seeking the Controlling Authority to determine the amount of gratuity and pay the same to the 3rd respondent. The petitioner-Corporation thereafter settled the gratuity amount of a sum of Rs.6,88,335/- to the 3rd respondent and the 2nd respondent was pleased to allow the P.G.No.22 of 2020 directing the petitioner to pay the balance gratuity amount of Rs.46,148/- along with 10% interest till the date of realization, by taking the last drawn salary and the service period stated by the 3rd respondent.

iii. This order was challenged by the petitioner-Corporation in A.G.A.No.53 of 2021. After hearing both sides, the 1st respondent had confirmed the order passed by the 2nd respondent in P.G.No.22 of 2020. Therefore, the petitioner is before this Court.



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

4. The petitioner seeks to challenge the said order on the ground that the 3rd respondent is not eligible for gratuity as he has only put in 23 years of service after reducing the punishment period and leave on loss of pay period. Such a contention, in the light of the order of the 2nd respondent and the payment of gratuity amount by the petitioner-Corporation, pales into insignificance. Therefore, the order of the 1st respondent cannot be found fault with it. While filing the appeal, it appears that the petitioner-Corporation has deposited the sum of Rs.46,148/- to the credit of the Deputy Commissioner of Labour Salem towards the P.G.No.22 of 2020. The interest, as directed, has not been paid.

5. Accordingly, this Writ Petition is dismissed. The petitioner-Corporation is directed to pay the interest on the sum of Rs.46,148/- from the date the gratuity became payable to the 3rd respondent till the date of deposit on the sum of Rs.46,148/- at the rate of 10% per annum,



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within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

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P.T.ASHA, J.,

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