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W.P.NO.8340 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.8340 OF 2025

Dr.R.Subburam

... Petitioner

VS.

1.The Director of Medical Education
Directorate of Medical Education
Kilpauk, Chennai – 600 010.

2.The Director
Institute of Road Transport
Taramani, Chennai – 600 113.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 10.07.2023 and further grant Gratuity to the petitioner, who had retired from Government service on attaining the age of superannuation on 28.02.2023, as per Government Order in G.O.(Rt) No.210, Health and Family Welfare (A1) Department, dated 28.02.2023.

For Petitioner : Mr.V.P.Sengottuvel
Senior Counsel for Mr.S.Satheeshkumar

For Respondent-1 : Mr.E.Sundaram
Government Advocate

For Respondent-2 : Mr.C.Gouthamaraj
Standing Counsel



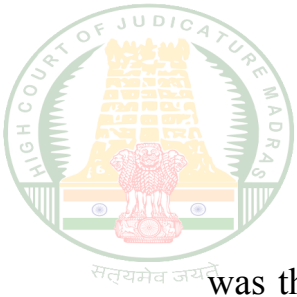
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ORDER

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This writ petition has been filed in the nature of a Mandamus, seeking a direction against the respondents to consider the petitioner's representation dated 10.07.2023 and to grant gratuity to the petitioner, who retired from Government service upon attaining the age of superannuation on 28.02.2023, in accordance with G.O.(Rt) No.210, Health and Family Welfare (A1) Department, dated 28.02.2023.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was appointed as an Assistant Professor in the Department of Community Medicine at Perundurai Medical College and Hospital and joined service on 24.09.2004. The petitioner was entitled to gratuity upon completion of a minimum service of five years. Subsequently, the petitioner was promoted to the post of Professor. It was also stated that the Government issued G.O.Ms.No.308, Transport (B1) Department, dated 24.10.2018, directing that the IRT Perundurai Medical College and Hospital, along with the School of Nursing run by the Institute of Road Transport, be handed over to the Government, and



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was then called the Government Erode Medical College and Hospital at Perundurai. The salary and other emoluments of the teaching and non-teaching staff were paid according to the Government servants' pay scale, in accordance with the Fundamental Rules of the Government of Tamil Nadu. The petitioner became a Government servant on 01.04.2019, and at the time of retirement, had served for more than five years, thus entitling him for gratuity.

3.In the instructions forwarded by the first respondent, it has also been affirmed that the petitioner had worked for more than five years and is eligible for gratuity as per the IRT rules and regulations during his period of service under the control of IRT. However, from the date the petitioner joined Government service, namely 01.04.2019, it is the responsibility of the Government to pay gratuity to the petitioner.

4.It is important to note that if the gratuity is not paid, the respondents will be liable to pay interest in accordance with the Gratuity Act, 1972. Therefore, in the interest of the respondents, they must pay gratuity to the petitioner within a reasonable time. On failure to do so, they will have to pay interest and they cannot avoid this responsibility.



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5.In view of the above reasons, a direction is given to the first respondent to pay Gratuity to the petitioner on and from the date on which, the petitioner joined Government service viz., 01.04.2019 till the date of his superannuation on 28.02.2023, within a period of four weeks from the date of receipt of a copy of this order, together with interest, in accordance with Gratuity Act, 1972. A direction is given to the second respondent to pay Gratuity to the petitioner, in accordance with the Gratuity Act, 1972, from the date of his joining service viz., 24.09.2004 till 31.03.2019. The said amount must also be paid within a period of four weeks from the date of receipt of a copy of this order.

6.With the above directions, the writ petition stands allowed.

No costs.

02.04.2025

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Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
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C.V.KARTHIKEYAN, J.

TK

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