



W.P(MD)No.22739 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22739 of 2025

A.Durairaj

... Petitioner

vs.

1. The Special Officer/Secretary,
Ty Spl. 99 Thirumanamedu Primary
Agricultural Co-Operative Credit
Society,
Thirumanamedu Post,
Lalgudi Taluk,
Trichy District.

2. The Deputy Registrar For Co-Operative Society,
Lalgudi.

3. The Joint Registrar/Chairman,
Public Work Sustainability Authority,
Tiruchirappalli.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to Na.Ka.No.1269/2024/PaTho (2) issued by the 3rd respondent dated



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07.02.2025 and quash the same as unlawful and unsustainable consequently directing the respondents to disburse the differential gratuity amount of Rs. 1,83,808/- to the petitioner within a stipulated time.

For Petitioner : Mr.M.Sridharan

For Respondents : Mr.S.R.A.Ramachandran
Addl. Government Pleader

ORDER

This writ petition has been filed challenging the calculation of gratuity dated 07.02.2025, without considering the petitioner's entire service of 43 years and consequently, to direct the respondents to disburse the differential gratuity amount of Rs.1,83,808/- to the petitioner.

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

3. The learned counsel for the petitioner submits that the petitioner joined service as a Store Salesman in the first respondent Society on 17.08.1981



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and retired from service on 31.05.2024. He rendered 43 years of service and a proposal for gratuity was accordingly forwarded to the respondents. The grievance of the petitioner is that the third respondent, while processing the gratuity claim, considered only 33 years of service and sanctioned gratuity vide proceedings dated 07.02.2025, which is impugned in the present writ petition. Aggrieved by the same, the present writ petition has been filed by the petitioner.

4. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents would submit that as per the All India Services (Death-Cum-Retirement Benefits) Rules, 1958, the maximum qualifying service for gratuity is capped at 33 years. Therefore, the petitioner's claim for 43 years of service for the purpose of gratuity calculation is not sustainable. Accordingly, he prays for dismissal of this writ petition.

5. This Court unable to understand as to how the petitioner could have rendered 43 years of service, given that the statutory age of retirement is 58 years. Even assuming the claim is to be true, it would imply that the petitioner entered his service at the age of 15 or 16, which is below the legally permissible



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for Government employment. Therefore, the petitioner's claim appears to be factually and legally untenable.

6. Accordingly, the writ petition stands dismissed. However, the respondents are directed to pay the applicable gratuity by calculating 33 years of service rendered by the petitioner, as per the impugned order within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

20.08.2025

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



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M.DHANDAPANI,J.

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**ORDER MADE IN
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