



W.P.No.369 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.369 of 2024

And

W.M.P.No.417 of 2024

The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram.

... Petitioner

Vs.

1.Ponmani

2.The Assistant Commissioner of Labour
(Incharge) O/o Joint Commissioner of Labour-2
DMS Compound,
Chennai – 600 018.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the order in P.G.Case No.276 of 2022 dated 18.08.2022 passed by the second respondent and quash the same.

For Petitioner : Mr.T.Chandrasekaran
For Respondents : Mr.V.S.Jagadeesan for R1
Mr.M.Rajendiran for R2
Additional Government Pleader



W.P.No.369 of 2024

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the order in P.G.Case No.276 of 2022 dated 18.08.2022 passed by the second respondent and quash the same.

2.The learned counsel appearing for the petitioner submitted that the first respondent was employed as Conductor in the petitioner Corporation and he retired from service on 30.04.2019 and after his retirement, the first respondent filed P.G.Case No.276 of 2022 before the second respondent claiming difference in gratuity with interest and the second respondent passed the impugned order dated 18.08.2022 directing the petitioner to pay a sum of Rs.1,23,255/- along with 10% interest from the date of first respondent's retirement till the date of actual payment. The learned counsel further submitted that the admitted gratuity amount of Rs.2,92,733/- was settled by the petitioner after the first respondent's retirement and the first respondent after three years filed P.G.Case No.276 of 2022 before the second respondent claiming difference in gratuity with interest, which is impermissible.



W.P.No.369 of 2024

3.The learned counsel appearing for the first respondent submitted that the first respondent retired from service on 30.04.2019, however, the petitioner paid the gratuity amount of Rs.2,92,733/- on 23.01.2021 after a lapse of nearly two years and further submitted that the first respondent's last drawn pay was Rs.28,600/- and taking into consideration the dearness allowance at 12%, the gratuity amount to be paid is Rs.5,72,880/-, whereas, the petitioner paid only Rs.2,92,733/- and hence the first respondent filed P.G.Case No.276 of 2022 before the second respondent claiming difference in gratuity with interest and the second respondent after considering the factual aspects, passed the impugned order directing the petitioner to pay a sum of Rs.1,23,255/- along with 10% interest from the date of first respondent's retirement till the date of actual payment, which warrants no interference.

4.The learned Additional Government Pleader appearing for the second respondent submitted that the petitioner had settled the gratuity amount to the first respondent taking into consideration his service period as 25 years, whereas, the service period of the first respondent is 31 years [14.05.1988 to 30.04.2019 = 30 years 11 months 16 days] and taking into consideration 3% increase in



W.P.No.369 of 2024

dearness allowance, the second respondent fixed the last drawn wage of the first respondent as Rs.32,032/- and arrived at a conclusion that the gratuity amount to be paid to the first respondent is Rs.5,72,880/- and after deducting the amount of Rs.2,92,733/- which was already settled to the first respondent; Rs.1,56,892/- which was recovered by the petitioner from the first respondent's gratuity directed the petitioner to pay a sum of Rs.1,23,255/- along with 10% interest from the date of first respondent's retirement till the date of actual payment, which warrants no interference.

5. Heard the arguments advanced on either side and perused the materials available on record.

6. Perusal of records reveal that the first respondent who was employed as Conductor in the petitioner Corporation had retired from service on 30.04.2019, however, the petitioner paid the gratuity amount of Rs.2,92,733/- on 23.01.2021 after a lapse of nearly two years. Since according to the first respondent, the gratuity amount to be paid is Rs.5,72,880/-, whereas, the petitioner paid only Rs.2,92,733/-, he filed P.G.Case No.276 of 2022 before the second respondent claiming difference in gratuity with interest.



W.P.No.369 of 2024

WEB COPY

7.Perusal of the impugned order reveal that the petitioner had settled the gratuity amount to the first respondent taking into consideration his service period as 25 years, whereas, the service period of the first respondent is 31 years [14.05.1988 to 30.04.2019 = 30 years 11 months 16 days] and taking into consideration 3% increase in dearness allowance, the second respondent fixed the last drawn wage of the first respondent as Rs.32,032/- and arrived at a conclusion that the gratuity amount to be paid to the first respondent is Rs.5,72,880/- and after deducting the amount of Rs.2,92,733/- which was already settled to the first respondent; Rs.1,56,892/- which was recovered by the petitioner from the first respondent's gratuity directed the petitioner to pay a sum of Rs.1,23,255/- along with 10% interest from the date of first respondent's retirement till the date of actual payment, which warrants no interference.

8.The writ petition is dismissed. The petitioner is directed to settle the gratuity amount to the first respondent as ordered by the second respondent in P.G.Case No.276 of 2022 dated 18.08.2022, within a period of twelve weeks from the date of receipt of a copy of this order, failing which, the petitioner Corporation would be liable to



WEB COPY



W.P.No.369 of 2024

M.DHANDAPANI,J.
pri

pay interest at the rate of 15% p.a., from the date of writ petition till the date of actual payment. No costs. Consequently, the connected miscellaneous petition is closed.

12.03.2026

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1 The Assistant Commissioner of Labour
(Incharge) O/o Joint Commissioner of Labour-2
DMS Compound,
Chennai – 600 018.

W.P.No.369 of 2024
And
W.M.P.No.417 of 2024

12.03.2026

6/6