

BEFORE THE APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, 1972 AT PUDUCHERRY

P.G. APPEAL No.4/ 2020

In

P. G. No. 2/2020

Between:

The Head Mistress,
M/s. Jayarani Govt. Aided High School,
No.196, Lal Bahadur Street,
Puducherry – 1

... Appellant

Vs.

1. Thiru. A. Anthoniraj,
No.47, 3rd Cross, Gandhiji Nagar,
Pudukulam, Ariyankuppam, Puducherry.

2. The Controlling Authority under the Payment of Gratuity Act, 1972-cum-
Labour Officer (Enforcement), Puducherry.

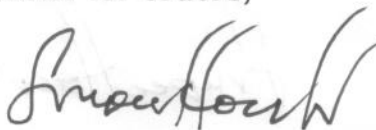
... Respondents

ORDER

WHEREAS, the Head Mistress, M/s. Jayarani Govt. Aided High School, No.196, Lal Bahadur Street, Puducherry – 1, filed an appeal under sub-section (7) of section 7 of the Payment of Gratuity Act, 1972 before the Appellate Authority under the Payment of Gratuity Act, 1972 against the Order dated 09.06.2020 in the P.G. case No.2/2020 passed by the Controlling Authority under the Payment of Gratuity Act, 1972, Puducherry;

WHEREAS, the appeal application was taken on file by the Appellate Authority and numbered P.G. Appeal No.4/2020 and proceedings were conducted on various dates;

WHEREAS, during the proceeding held on 23.09.2020, the Respondent/Applicant filed a letter dated 23.09.2020 stating that he worked in the said management M/s. Jayarani Govt. Aided High School from the year 2008 as Driver and resigned his job during August, 2019. Thereafter, he filed an application under Form 'N' for direction for payment of gratuity and the Controlling Authority directed the Appellant/ management to pay the Respondent/Applicant a sum of Rs.76,085/- towards Gratuity along with interest @ 10% per annum from 03.08.2019 till date of payment/deposit. But, the Appellant/ management filed this appeal against the order dated 09.06.2020 on the ground that the Respondent/Applicant is entitled only for a sum of Rs.50,769/- as gratuity amount and the Respondent/Applicant also agrees for the same and thereby the Appellate Authority under the Payment of Gratuity Act posted the matter for orders;





WHEREAS, the Appellant/management and the Respondent No.1/Applicant, filed a Joint Compromise Memo dated 01.10.2020, stating that the Respondent/Applicant agrees that the calculation of gratuity payable to him is Rs.50,769/- only and he agrees to receive the said Gratuity payable to him and agrees that the appeal shall be allowed and thereby order of the Controlling Authority shall be modified. Further, the respondent agrees to receive the gratuity payable to him at Rs.50,769/- (Rupees Fifty thousand seven hundred and sixty nine only) without any interest thereon and hereby undertakes that he will not claim any amount hereafter either towards gratuity or towards interest or any other amount as terminal benefits from the appellant management. Both the parties therefore pray that the appeal may be allowed and the Controlling Authority may be directed to modify its order as to calculation of Gratuity payable to the respondent at Rs.50,769/- without any interest and thus render justice;

AND WHEREAS, the appellant and respondent have mutually agreed for passing the order as per joint compromise memo;

AND WHEREAS, the Apex Court took note of the definition of wages in section 2(s) of the Payment of Gratuity Act, 1972 and declared that wages would mean and include basic wages and dearness allowance and nothing more.

AND WHEREAS, as per Section 4(2) of the Payment of Gratuity Act, 1972, "*for every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to an employee at the rate of wages last drawn by the employee concerned*". Accordingly, the respondent/applicant is entitled for settlement of gratuity as follows:

Number of years of service	: 11 years
Last drawn wages	: Rs. 8000/-
Per day salary	: Rs. 307.69/-
15 days salary	: Rs. 4615.38/-
Calculation of gratuity	: Rs. 4615.38 x 11
	: Rs. 50, 769/-
Gratuity to be paid	: Rs. 50, 769/-

..3/-



[Handwritten Signature]

:3:

NOW THEREFORE, in exercise of powers under Section 7(8) of the Payment of Gratuity Act, 1972, the Joint Compromise Memo is hereby registered and the Controlling Authority is directed to release an amount of Rs.50,769/- (Rupees Fifty thousand seven hundred and sixty nine only) from the deposited amount of Rs.76,085/- (Rupees Seventy six thousand and eighty five only) to the Respondent No. 1/applicant and the excess amount of Rs. 25,316/- (Rupees twenty five thousand three hundred and sixteen only) may be refunded to the appellant management.

S. Moutoulingam
(S. MOUTTOULINGAM)

APPELLATE AUTHORITY UNDER
THE PAYMENT OF GRATUITY ACT, 1972.

9/14/18



H/O
DESPATCHED