



THE HON'BLE SRI JUSTICE B. CHANDRA KUMAR

Writ Petition No. 31621 of 2011

Order:

This writ petition has been filed challenging the orders dated 03.09.2011 passed in P.G. No. 11 of 2010 by the Controlling Authority under the Payment of Gratuity Act, 1972 and the Assistant Commissioner of Labour-III, Hyderabad.

The third respondent herein approached the said authority for payment of gratuity and the said authority passed the impugned orders directing the petitioners to pay the gratuity amount of Rs.2,93,685/- with interest accrued thereon within 30 days from the date of receipt of the said order. Aggrieved by the same, the petitioners i.e., the Warden and Correspondent and the Management of St. George's Grammar School, Abids, Hyderabad, filed the present writ petition.

Irrespective of the main dispute raised by the petitioner whether a Teacher can approach the Controlling Authority under the Payment of Gratuity Act and the Assistant commissioner of Labour-III, Hyderabad, or whether he has to claim gratuity under the provisions of A.P. Education Act and the Rules framed thereunder, since the petitioners themselves have issued a circular dated 15.10.2003, which is marked before the authority, wherein the petitioners themselves stated as follows.

“The management with an intention of creating congenial atmosphere for the teachers to teach enthusiastically (1) has implemented the recent State Government Pay Revision committee scales paying the salaries to its staff on par with the State Government Scales (2) is paying pension on retirement (3) also pay gratuity and other benefits.”

In view of the categorical admissions made by the petitioners to



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pay gratuity and other benefits to its teachers, now they cannot take shelter under the technicalities and say that the third respondent can claim only under the A.P. Education Act or under the Rules made thereunder, but he cannot claim under the Gratuity Act. Whether he claims under the Gratuity Act or under the provisions of the A.P. Education Act or under the Rules made thereunder, but the fact remains that the petitioners have to pay gratuity to the third respondent and the same cannot be denied.

In view of the same, I hold that there are no merits in the writ petition. Accordingly, the writ petition is dismissed directing the petitioners herein to pay gratuity to the third respondent as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. No costs.

B. CHANDRA KUMAR, J.

Date: 07.03.2012

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