
(1996) 06 AP CK 0058
In the Andhra Pradesh High Court
Case No : Writ Petition No. 7912 of 1987

N. Madhusudana Reddy

APPELLANT

Vs

The Director, Telugu Academy and Another

RESPONDENT

Date of Decision : 14-06-1996

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1996) 3 ALT 347

Hon'ble Judges : B. Subhashan Reddy, J

Bench : Single Bench

Advocate : V. Raghunadha Reddy, for the Appellant; A. Chandraiah Naidu, for the Respondent

Final Decision : Allowed

Judgement

B. Subhashan Reddy, J.—This writ petition has been filed by a Research Officer of Telugu Academy. Firstly, the petitioner had joined the said institution on 2-1-1971. On 2-4-1986, he had tendered his resignation, but the same was not accepted. Again he renewed the same on 9-9-1986 and on that day, the resignation was accepted by the respondents, but with effect from 2-4-1986. Even though the pension of the petitioner is settled and he is being paid, he was not paid the gratuity. Gratuity is payable @ 15 days salary for each completed year. There are no specific rules framed by the respondents, but they had issued proceedings on 10-11-1976 approving the scheme of introduction of gratuity for the benefit of the employees of Telugu Academy and the eligibility period for gratuity is the qualifying service of five years, subject to the condition that the employee has not been terminated from service by way of inflicting of punishment in disciplinary proceedings. By later proceedings dated 23-3-1985, the same was reiterated and specifically in paragraph 4 thereof, Rule 46 of Revised Pension Rules has been adopted. Since gratuity has not been paid, this writ petition has been filed. The respondents defend their action in not paying the gratuity on the ground that Rule 26 of the Revised Pension Rules is applicable

and not Rule 46. I do not accede to this contention. Specifically, Rule 46 has been made applicable and according to which the employee is entitled for gratuity if he had put in a qualifying service of five years and at the rate of 15 days salary for each completed year of service. Rule 26 which contemplates of forfeiture of past service should the employee resign, is inapplicable as it has not been adopted by the respondents. That apart, if the pension was paid, I fail to understand as to how the gratuity cannot be paid. Moreover, the beneficial provision like the instant one has to be given extended meaning and the word "retirement" cannot be construed in a pedantic and truncated manner. Resignation is also one mode of retirement. In the circumstances, the respondents are directed to compute and pay the gratuity to the petitioner for the service he has rendered @ 15 days salary for each completed year from 2-1-1971 to 2-4-1986, within a period of 3 months from the date of the receipt of this order. The writ petition is allowed. No costs.