

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.6531 of 2015

N.Janakiraman

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.

2.The Zonal Officer,
(The Assistant Commissioner)
Zone No.VII, Ambattur,
Corporation of Chennai, Chennai -58.
(Formerly known as The Commissioner,
Ambattur Municipality,
Ambattur, Chennai -58.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the second respondent to comply with the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972 (The Assistant Commissioner of Labour-II) in P.G.No.21 of 2014 dated 30.06.2014 and further direct the 2nd respondent to disburse the gratuity amount with interest.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Ms.Karthikaa Ashok

O R D E R

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Chennai Corporation.

2. The petitioner was an employee of Ambattur Municipality. The Municipality was subsequently merged with Chennai Corporation. The petitioner retired from service on attaining the age of superannuation on 31.07.1996. He served as Junior Assistant as on the date, on which he retired from service as an employee of Ambattur Municipality.

3. The petitioner approached the second respondent time and again for payment of his gratuity. Since gratuity was not paid, the petitioner filed an application before the Controlling Authority under the Payment of Gratuity Act, 1972. The authority

after notice to the respondents passed an order on 30.06.2014, directing the second respondent to pay a sum of Rs.1,22,510/- within a period of 30 days with statutory interest. Even though the respondents received the said order, they have not taken any follow up action to pay the statutory amount to the petitioner. The petitioner is therefore before this Court.

4. When this writ petition came up for hearing on 10.03.2015, the learned Standing Counsel for the Chennai Corporation took notice and got adjournment for the purpose of ascertaining as to whether any appeal was preferred against the order passed by the Controlling Authority.

5. The learned counsel for the petitioner fairly submitted that the order passed by the authority has not been set aside subsequently.

6. The learned Standing Counsel wanted further time to file an application by the Chennai Corporation to set aside the order passed by the Controlling Authority. The learned Standing Counsel further submitted that part of the amount has already been paid to the petitioner.

7. There is no dispute that the Controlling authority after issuing notice to the respondents passed an order as early as on 30.06.2014. Nothing prevented the respondents from taking further action to set aside the said order in the manner known to law. The respondents have woken up from slumber after filing writ petition by the petitioner and receiving notice from this Court. Therefore, I am not inclined to grant further time to the respondents for taking appropriate action to set aside the order.

8. The second respondent is directed to pay the amount confirmed by the Controlling Authority by order dated 30.06.2014 in P.G.No.21 of 2014 to the petitioner along with interest at the rate of 9% per annum, if the same has not already been paid. Payment should be made within a period of one week from the date of receipt or production of a copy of this order.

9. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.

2.The Zonal Officer,
(The Assistant Commissioner)
Zone No.VII, Ambattur,
Corporation of Chennai, Chennai -58.
(Formerly known as The Commissioner,
Ambattur Municipality,
Ambattur, Chennai -58.

+1 cc to Mr.R.Karthikeyan, Advocate,SR.17063

+1 cc to Mrs.Karthika Ashok, Advocate,SR.17075.

gj(co)
krd 10/4

W.P.No.6531 of 2015



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