

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13868 of 2016

M.Alphones

... Petitioner

Vs.

1.The District Collector,
Collectorate
State Bank Road
Ooty
The Nilgiris.

2.The District Educational Officer,
District Education Office,
The Nilgiris.

3.The Management
St.Theresa High School,
Finger Post,
Ooty
The Nilgiris.

.... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to initiate necessary proceedings and realize the amount of Rs.34,562/- along with 10% accrued interest and disburse the same to the petitioner within the time stipulated by this Hon'ble Court on the letter of DCL, Coimbatore Vide R.R.No.41/15 dated 31.08.2015.

For Petitioner : Mr.V.Sivakumar

For Respondents : Mr.R.Rajeswaran for R1 and R2
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The writ petition has been filed seeking issuance of Mandamus directing the first respondent to initiate necessary proceedings and realize the amount of Rs.34,562/- along with 10% accrued interest and disburse the same to the petitioner within the time stipulated by this Court on the letter of DCL, Coimbatore Vide R.R.No.41/15 dated 31.08.2015.

3.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 and 2.

4.The petitioner filed a petition before the Assistant Commissioner of Labour being the competent authority under the Payment of Gratuity Act claiming gratuity. The said authority by order dated 09.07.2009 computed the gratuity payable to the petitioner at Rs.34,562/- by the third respondent within a period of thirty days. Since there was a mistake in the order which was passed on 09.07.2009, the mistake was rectified by the authority by order dated 05.08.2009.

5.The petitioner would state that the said amount has not been paid and therefore, the petitioner moved the Assistant Commissioner of Labour, Coimbatore by filing application requesting appropriate directions for collection of the amount by invoking the provisions of the Revenue Recovery Act. The said authority after having been satisfied that no appeal has been preferred by the management against the said order issued necessary requisition to the District Collector, Nilgiris/ first respondent for recovery of the amount ordered to be paid as gratuity. The grievance of the petitioner is that till date action has not been initiated by the District Collector for recovery of the amount.

6.Considering the nature of grievance expressed by the petitioner, there will be a direction to the District Collector, Nilgiris/ first respondent to direct his officers to verify from the Assistant Commissioner of Labour, Coimbatore as to whether any appeal has been preferred as against the order in P.G.A.No.11 of 2008 dated 09.07.2009 and if no appeal has been preferred, direct appropriate action to be taken for recovery of the amount after notice to the petitioner and the third respondent. The above direction is to be complied with, within a period of eight weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Collectorate
State Bank Road
Ooty
The Nilgiris.

2.The District Educational Officer,
District Education Office,
The Nilgiris.

+1cc to M/S.C.Sivakumar, Advocate, S.R.No.23422
+1cc to the Government Pleader, S.R.No.23856

W.P.No.13868 of 2016

ssk(CO)
srg(28/04/2016)

सत्यमेव जयते

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