



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

C O R A M

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.(MD) No.22227 of 2016

M.Rajagopal

... Petitioner

Vs.

1. The District Collector, Dindigul District, Dindigul
2. The Block Development Officer,
Dindigul Block Development Office, Dindigul District
3. The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Dindigul, Dindigul District
4. The Executive Officer, Eriyodu Municipal Office,
Eriyodu, Vedasendur Taluk, Dindigul District
5. The Director, Local Fund Audit, Chennai, Tamil Nadu
(R-5 suo motu impleaded by this Court) ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to implement the order passed by the third respondent herein, in his proceedings in Na.Ka.No.A6/1661/2016, dated 04.08.2016, to recover the amount from the fourth respondent due to be paid to the petitioner, as per the award passed in P.G.No.162 of 2015 by the third respondent dated 18.12.2015 within a specific time as stipulated by this Court.

For petitioner : Mr. D.Selvaraj

For Respondents : Mr. M.Murugan, Govt. Advocate

O R D E R

This writ petition has been filed by the petitioner seeking to implement the order passed by the third respondent herein, in his proceedings in Na.Ka.No.A6/1661/2016, dated 04.08.2016, and to recover the amount from the fourth respondent due to be paid to the petitioner, as per the award passed in P.G.No.162 of 2015 by the third respondent, dated 18.12.2015, within a specific time as stipulated by this Court.

2. It is the case of the petitioner that he was employed under the fourth respondent Department and retired from service. After his retirement, the fourth respondent failed to settle the petitioner's gratuity under Payment of Gratuity Act, 1972. Hence, the petitioner filed P.G.No.162/2015 before the third respondent and the same was allowed, ordering the fourth respondent to pay a



sum of Rs.2,17,137/- along with 10% interest from the date of the petitioner's retirement, vide order dated 18.12.2015. But the fourth respondent failed to obey the said order. Therefore, the petitioner sent a representation to the third respondent to initiate Revenue Recovery proceedings to recover the money to be paid, as per the order dated 18.12.2015.

2.1. The third respondent, by his proceedings, dated 04.08.2016 forwarded the same to the first respondent to initiate recovery proceedings against the fourth respondent. In spite of the repeated requests, the first respondent has not initiated any proceedings. Hence, the petitioner has approached this Court, by way of this writ petition, seeking the afore stated reliefs.

3. Heard the learned counsel appearing for both sides.

4. Pursuant to the interim order, dated 21.11.2016, passed by this Court, directing the respondents to report compliance, the fourth respondent / the Executive Officer, Eriyodu Municipal Office, Eriyodu, Vedasendur Taluk, Dindigul District, has submitted a proposal to the Commissioner, Government Data Centre, Chennai, requesting the respondents to sanction CPS contribution and Government Contribution with the accrued interest thereon.

5. It is also submitted that the Director, Local Fund Audit, Chennai, Tamil Nadu, is the competent authority to pass the final orders, but the Director has not been impleaded in this case.

6. In order to enable this Court to give final disposal and to bring a quietus to the issue, the Director, Local Fund Audit, Chennai, Tamil Nadu, is hereby, suo motu, impleaded as fifth respondent, in this writ petition.

7. Considering the peculiar facts and circumstances of the case and in view of the submissions made by the learned counsel for both sides, the fifth respondent is directed to pass final orders, on the proposal submitted by the Executive Officer / fourth respondent herein, by the proceedings, dated 21.11.2016. In the said proposal, it has been made clear that CPS contribution has been recovered from the individual pay bill and the Government Contribution has also been remitted to the concerned Government Head properly. The said exercise shall be completed by the fifth respondent within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this writ petition stands closed. No costs.

Sd/-
Assistant Registrar(c)

/True copy/



To

1. The District Collector, Dindigul District, Dindigul
2. The Block Development Officer,
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3. The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Dindigul, Dindigul District
4. The Executive Officer, Eriyodu Municipal Office,
Eriyodu, Vedasendur Taluk, Dindigul District
5. The Director, Local Fund Audit, Chennai, Tamil Nadu

+1cc to special Government Pleader SR.No.74791

srk

sm:BS:9.2.2017:3P/7C

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