

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.28797 of 2014

P.Palani

...Petitioner

Vs

- 1.The Managing Director,
Triplicane Urban Co-Operative Societies Ltd.,
No.156, Big Street,
Triplicane,
Chennai – 600 005.
2. The District Collector,
Office of the Collectorate,
Chennai – 600 001.
3. The Assistant Commissioner of Labour-1
(Authority under Payment of Gratuity Act 1972)
Teynampet,
Chennai – 600 006.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, directing the First Respondent to calculate and to pay the Gratuity together with 15% compound interest along with other terminal benefits amount to the Petitioner which are pending with the First Respondent as unpaid, within time limits as this Hon'ble Court.

For Petitioner : Mrs. M.D.Leelavathi

For Respondents : Mrs. T.Girija -R1

Mr. M. Perumal-R2 & R3
Government Advocate

ORDER

The relief sought for in this Writ Petition is to direct the first Respondent to calculate and to pay the Gratuity with interest at the rate of 15% p.a.

2.The learned Counsel for the Writ Petitioner submits that the Writ Petitioner was holding the post of Accountant and retired from service on 31.10.2008, on attaining the age of superannuation. However, the gratuity amount due to the petitioner has not been settled so far. In this regard, the Writ Petitioner has approached the Controlling Authority, under the Payment of Gratuity Act and the Authority also issued a letter to the Special Officer. In spite of the order of the Assistant Commissioner of Labour -I, till date no action has been taken by the first respondent to settle the dues and finally a Certificate of Recovery under section 8 of the Payment of Gratuity Act, 1972, was issued by the Assistant Commissioner of Labour in

proceeding letter dated 02.12.2013. Along with the proceedings dated 02.12.2013, the writ petitioner has submitted the representation to the first respondent on 24.08.2014 and the same yet to be considered.

3.Thus, without going into the merits and demerits of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner dated 24.08.2014 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition stands disposed of accordingly. No costs.

31.10.2017

ggi/rpa

To

1. The District Collector
Salem.
2. The Revenue Divisional Officer
Salem.
3. The Tahsildar
Salem District.

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S.M.SUBRAMANIAM,J.

rpa



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