

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2017

CORAM

THE HON'BLE Mr. JUSTICE T. RAJA

W.P.No. 3085 of 2015

Mr. K.M. Thirugnanam

... Petitioner

Versus

1. The District Collector,
Vellore District,
Vellore - 632 009.
2. The Tahsildar,
Vellore.
3. The Assistant Commissioner of Labour,
(The Authority under the Payment of Gratuity Act)
Office of the Deputy Commissioner of Labour I,
DMS Compound,
Teynampet,
Chennai - 600 006.
4. The Management,
Vellore District Co-operative Union
Officers Line,
Anna Salai,
Vellore-632 001.

... Respondents

Writ Petition filed praying to issue a Writ of Mandamus, to direct the first and the second respondents to recover from the fourth respondent a sum of Rs. 1,76,070/- along with compound interest at the rate of 15% per annum pursuant to the Revenue Recovery Certificate issued by the third respondent dated 05.09.2013 bearing No.D1/4427/2013 under Section 8 of the Payment of Gratuity Act and pay the recovered amount to the petitioner within the time frame stipulated by this Hon'ble Court.

For Petitioner : Mr. Balan Haridas

For R1& 2 : Mr. V. Jayaprakash Narayanan,
Special Government Pleader

For RR 3 &4 : No Appearance

O R D E R

Writ Petition has been filed to issue a Mandamus, to direct the first and the second respondents to recover a sum of Rs. 1,76,070/- from the fourth respondent along with compound interest at the rate of 15% per annum pursuant to the Revenue Recovery Certificate issued by the third respondent dated 05.09.2013 bearing No.D1/4427/2013 under Section 8 of the Payment of Gratuity Act and pay the recovered amount to the petitioner within the time frame stipulated by this Hon'ble Court.

2. The petitioner was working as Junior Assistant in the fourth respondent Management, Vellore District Co-operative Union. Subsequently, he was promoted as Co-operative Publicity Officer. However, after completing 30 years and 4 months of service, reaching the age of superannuation, retired from service with last drawn salary of Rs. 17,381/- and he is also entitled to receive Gratuity amount of Rs. 3,00,825/-. But, the fourth respondent paid only a sum of Rs.1,24,755/- and the balance amount of Rs. 1,76,070/- was not paid. Therefore, he moved an application before the third respondent, who, after following the procedure has issued a Revenue Recovery Certificate on 05.09.2013 directing the District Collector, Vellore District, the first respondent herein, to recover the balance amount of Rs.1,76,070/- along with 15% compound interest. Pursuant there to, the first respondent viz., the District Collector, Vellore District has also directed the Tahsildar, Vellore District, the second respondent herein, to recover money in terms of the Revenue Recovery Certificate issued by the third respondent. But till date, no such steps have been taken. Hence, the petitioner made representations to the first respondent on 21.10.2013, 09.12.2013, 20.01.2014 & 11.08.2014. Since, no action has been forthcoming, the petitioner has come forward with the present writ petition.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader taking notice for the first and the second respondents has submitted that the first respondent may be directed to recover the balance amount from the fourth respondent along with 15% compound interest in accordance with law. The record shows that the service on the fourth respondent was completed. Although the service was completed, none appeared on behalf of the fourth respondent.

4. When the District Collector, Vellore has already directed the Tahsildar, Vellore District, the second respondent herein to recover money in terms of the Revenue Recovery Certificate issued by the third respondent, it is not known as to why till

date, the second respondent has not taken any action. Therefore, the second respondent is hereby directed to proceed with the Revenue Recovery Certificate proceedings as per the direction given by the first respondent. It is needless to state that the entire balance amount collected from the fourth respondent shall be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District,
Vellore - 632 009.
2. The Tahsildar,
Vellore.
3. The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour I,
DMS Compound,
Teynampet,
Chennai - 600 006.

+1cc to Mr. Balan Haridas, Advocate, S.R.No.40858
+1cc to the Government Pleader, S.R.No.41270

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CS/21/06/17