

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.Nos.37518 and 38145 of 2016

A.Palaniswamy

.. Petitioner in
W.P.No.37518 of 2016

1.Annamal
2.Easwaramurthi
3.Nithiya Prakash

.. Petitioners in
W.P.No.38145 of 2016

Versus

- 1.The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Coimbatore - 641 018.
- 2.The District Collector,
The District Collector Office,
Coimbatore District.
- 3.The Thasildar,
Thasildar Office, Pollachi,
Pollachi, Coimbatore - 1.
- 4.The Management,
Kwality Spinning Mills Ltd.,
Udumalpet Road, Pollachi,
Coimbatore - 3.

.. Respondents in
both W.Ps.

Prayer in W.P.No.37518 of 2016: Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents 2 and 3 to recover the gratuity amount of the petitioners as per the award of the 1st respondent in G.A.No.259 of 2013 dated 14.02.2014 with 10% compoundable interest and further direct the 1st respondent to disburse the same to the petitioner.

Prayer in W.P.No.38145 of 2016: Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents 2 and 3 to recover the gratuity amount of the petitioners as per the award of the 1st respondent in

G.A.No.260 of 2013 dated 14.02.2014 with 10% compoundable interest and further direct the 1st respondent to disburse the same to the petitioner.

For Petitioners
in both W.Ps : M/r.J.Stalin

For Respondents
in both W.Ps : Mr.P.V.Selvakumar
Additional Government Pleader
(For R1 to R3)
No appearance (For R4)

O R D E R

In view of the common issue involved in both these writ petitions, a common order is passed.

2.The petitioner in W.P.No.37518 of 2016 was an employee of the 4th respondent. The petitioners in W.P.No.38145 of 2016 are the legal heirs of the employee of the 4th respondent. In both the cases, an award was passed by the 1st respondent in G.A.Nos.259 of 2013 and 260 of 2013 on 14.02.2014 directing the 4th respondent to pay the gratuity amount with 10% compoundable interest. Though the award was passed as early as on 14.02.2014, the same has not been complied with by the 4th respondent. Therefore, in pursuant to the representation made by the petitioners to the respondents 2 and 3, the present writ petitions have been filed.

3.It is also to be seen that despite the revenue recovery proceedings having been ordered by the 1st respondent, no progress has been made.

4.Heard the learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3.

5.Despite notice having been served, none appears on behalf of the 4th respondent.

6.From the records, it appears that the award passed by the 1st respondent has become final as against the 4th respondent. It was also followed by an order dated 30.07.2014 by the 1st respondent ordering revenue recovery proceedings. However, despite the same and notwithstanding the representation made by the petitioners on 24.02.2015, no steps have been taken by the respondents 2 and 3.

7. In such view of the matter, a direction is issued to the respondents 2 and 3 to take appropriate steps to see it that the award passed by the 1st respondent is complied with and necessary action will have to be taken within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

cse

To

1. The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Coimbatore - 641 018.
2. The District Collector,
The District Collector Office,
Coimbatore District.
3. The Thasildar,
Thasildar Office, Pollachi,
Pollachi, Coimbatore - 1.
4. The Management,
Kwality Spinnning Mills Ltd.,
Udumalpet Road, Pollachi,
Coimbatore - 3.

+2cc to Government Pleader sr.17068 & 17070

+2cc to Mr.J.Stalin, Advocate sr.16638 & 16439

nrjk(co)
ss(4/4/2017)

W.P.Nos.37518 and 38145 of 2016