



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) Nos.13089 and 13129 and 13133 of 2017

M.Raju ... Petitioner in
W.P.(MD)No.13089 of 2017
K.Gopal ... Petitioner in
W.P.(MD)No.13129 of 2017
S.Chellaiah ... Petitioner in
W.P.(MD)No.13133 of 2017
vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Controlling Authority/The Assistant Commissioner of Labour,
(The Authority under the Payment of Gratuity Act, 1972),
The Office of Deputy Commissioner of Labour, Dindigul.
3. The President,
Chettinayakanpatti Panchayat,
Chettinayakanpatti,
Dindigul District. ... Respondents in
W.P.(MD)Nos.13089, 13129 and 13133 of 2017

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying issuance of Writs of Mandamus, directing the first respondent to recover the gratuity amounts of Rs.42,923/-, Rs.41,538/- and Rs.41,538/- respectively together with 10% interest from 30.06.2013, 28.02.2013 and 31.03.2013 respectively as ordered by the second respondent in his order dated 02.12.2014 in P.G.Nos.30/2013, 13/2013 and 29/2013 from the third respondent within a period of time as may be fixed by this Court.

For Petitioners : Mr.S.Arunachalam
For Respondents 1 and 2 : Mr.K.Guru,
Additional Government Pleader
For Respondent 3 : Mr.D.Muruganantham,
Additional Government Pleader

**COMMON ORDER**

By consent of both sides, these writ petitions are taken up for final disposal.

2. All the three petitioners were appointed as Over Head Tank Operator in the third respondent Panchayat.

3. The learned counsel for the petitioners submitted that Mr.Raju, the petitioner in W.P.(MD) No.13089 of 2017 has put in almost 31 years of continuous service in Chettinayakkanpatti Panchayat, Dindigul District. Mr.K.Gopal, the petitioner in W.P.(MD) No.13129 of 2017, had rendered almost 14 years of his continuous service in Chettinayakkanpatti Panchayat, Dindigul District and Mr.S.Chellaiah, the petitioner in W.P.(MD) No.13133 of 2017 has rendered almost 30 years of his continuous service as Over Head Tank Operator in Chettinayakkanpatti Panchayat, Dindigul District.

4. Now, Mr.M.Raju, retired from service on 30.06.2013, after attaining the age of superannuation. Mr.K.Gopal, on attaining the age of superannuation, retired from service on 31.10.2013 and Mr. S.Chellaiah, after attaining the age of superannuation, retired from service on 28.02.2013.

5. It is his submission that in all these cases, the third respondent had not come forward to pay the gratuity, at the time of retirement of the petitioners, even though they were entitled to get same. Therefore, finding no other option, the petitioners approached the second respondent herein, by filing petitions under Payment of Gratuity Act, 1972. The same have also been numbered as P.G.Nos.30/2013, 13/2014 and 29/2013. After considering the case of the petitioners, the Controlling Authority/the Assistant Commissioner of Labour, (The Authority under the Payment of Gratuity Act, 1972) has passed final orders, on 02.12.2014, in P.G.Nos. 30/2013, 13/2014 and 29/2013 respectively, determining the gratuity amount payable to them as Rs.42,923/- (Rupees Fourty Two Thousand Nine Hundred and Twenty Three only) in favour of said Mr.M.Raju, Rs.19,385/- (Rupees Nineteen Thousand Three Hundred and Eighty Five only) in favour of Mr.K.Gopal and Rs.41,538/- (Rupees Fourty Thousand Five Hundred and Thirty Eight only) in favour of said Mr.S.Chellaiah along with 10% interest.

6. The learned counsel for the petitioners further submitted that till date, no appeal whatsoever has been filed by the third respondent. Now, the second respondent has repeatedly sent a reply letter, after passing the order on 02.12.2014 and issued a certificate dated 31.03.2016 to the first respondent/District Collector, Dindigul District and by a remainder dated 01.08.2016



to the District Collector to pay the aforementioned gratuity amount to the petitioners. However, till date, there is no response from the District Collector. Therefore, the petitioners are before this Court with these present writ petitions.

7. Mr.K.Guru, learned Additional Government Pleader, takes notice for the respondents 1 and 2. Mr.D.Muruganantham, learned Additional Government Pleader, takes notice for the respondent.

8. The learned Additional Government Pleaders appearing for the respondents finding that an order has already been passed by the second respondent on 02.12.2014 and the certificate has also been issued on 31.03.2016 and finally, remainders have also been given on various dates, namely, 01.07.2015 and 05.11.2015, sought time to do the needful as per the orders passed by the second respondent in P.G.Nos.30/2013, 13/2014 and 29/2013 dated 02.12.2014.

9. In view of the foregoing submissions, without going into the merits of the matter, the first respondent/the District Collector, Dindigul District, is directed to consider the petitioners' representation, on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

10. From the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Dindigul District, Dindigul.
2. The Controlling Authority/The Assistant Commissioner of Labour, (The Authority under the Payment of Gratuity Act, 1972), The Office of Deputy Commissioner of Labour, Dindigul.
3. The President, Chettinayakkanpatti Panchayat, Chettinayakkanpatti, Dindigul District.

+1 CC to M/s.S.ARUNACHALAM, Advocate, SR No. 65989/17.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 66133, 66134, 66286/17.

MRN/RR

PSM/MR-KKR/SAR2/23.08.2017/3P/6C