

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.21284 of 2004

Arunachalathammal

....

Petitioner

Vs

1.The Management  
The Urkad Tile and Brick Works  
Industrial Co-operative Societies Limited  
60, Sivakami Puram Street, Urkad  
Ambasamudram.

2.Sub Registrar (Co-operative)  
District Industrial Centre  
Tirunelveli District - 627 011.

3.The Collector  
Ambasamudram,  
Tirunelveli District.

....

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to pay the gratuity amount payable at the instance of the death of late Mr.R.Kottiappan.

For Petitioner : No appearance

For Respondents : No appearance - for R1  
Mr.N.Srinivasan - for R2 and R3  
Additional Government Pleader

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O R D E R

The writ petition has been filed seeking direction to the first respondent to pay the gratuity amount to the legal representatives of the deceased Kottiappan.

2. Heard learned counsel appearing for the respondents 2 and 3. The first respondent is not represented, as well as the petitioner.

3. One Mr.Kottiappan was working under the first respondent as Accountant from 01.02.1960. He attained superannuation after a period of 38 years ie., on 31.10.1998. The workman died on 03.02.1999, leaving behind his wife, two daughters and two sons as his legal representatives. After the superannuation of the employee, the first respondent did not pay the gratuity and the controlling authority under the Act has passed an order, directing the payment of Rs.90,433/- within a period of two months from the date of receipt of a copy of the order.

4. The first respondent did not obey the order passed by the authority concerned and therefore, the wife of the employee approached the Assistant Commissioner of Labour, who sent a show cause notice to the first respondent; and has also requested the District Collector to recover the amount by invoking the provisions of the Revenue Recovery Act. The District Collector, Ambasamudram has initiated action under the Revenue Recovery Act.

5. It is stated that the second respondent voluntarily deducted a sum of Rs.18,950/- from the amount of gratuity payable and even the remaining amount has not been paid. Therefore, this writ petition has been filed seeking direction to the first respondent to pay the gratuity amount payable to the legal representatives of the deceased employee.

6. Needless to point out that it is the duty of the respondent employer to have complied with the order passed by the controlling authority under the Payment of Gratuity Act. Hence, considering the facts and circumstances, the third respondent is directed to implement the order of the Assistant Commissioner of Labour and to take steps to pay the gratuity amount due to the legal representatives of the deceased employee.

6.1. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. With the above directions, the writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

kst

To

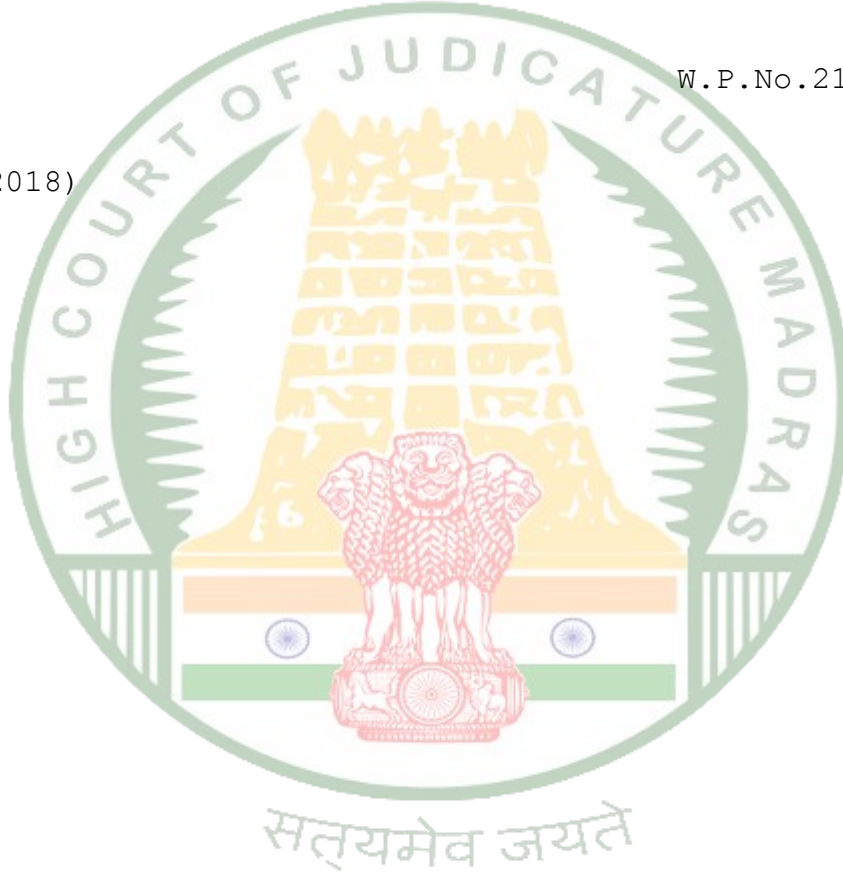
1.Sub Registrar (Co-operative)  
District Industrial Centre  
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2.The Collector  
Ambasamudram,  
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+1cc to the Government Pleader, S.R.No. 68165

W.P.No.21284 of 2004

SPD(CO)  
GN(02/11/2018)



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