

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.22795 of 2004

P.Veerappan

..Petitioner

Vs.

The Executive Officer
Vennanthur Panchayat
Vennanthur, Rasipuram Talul
Namakkal District.

..Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to pay a sum of Rs.32,792/- to the petitioner as per order dated 31.08.2000 on the file of the Assistant Commissioner of Labour, Salem together with interest thereon at 24% per annum from 31.8.2000 upto date of payment.

For Petitioner : No appearance
For Respondents : Mr.S.Soundhararajan,
Government Advocate

O R D E R

This writ petition has been filed by the workman, seeking enforcement of the order passed by the Assistant Commissioner of Labour dated 31.8.2000, directing payment of Rs.32,792/- to the petitioner within a period of 30 days thereof.

2. The brief facts leading to the filing of the writ petition is that the petitioner was a sweeper under the respondent on and from 01.04.1967 till 30.06.1995. After superannuation, as the gratuity was not paid, the petitioner was compelled to file P.G.No.54 of 2000 before the Assistant Commissioner of Labour, Salem, who, by an order dated 31.08.2000, directed the respondent herein to pay a sum of Rs.32,792/- within a period of 30 days thereof. Thereafter, on 30.07.2004, the petitioner issued a lawyer notice to the respondent and after which also there was no response from the respondent.

3. The petitioner claims that he is 70 years old and for him, the amount of Rs.32,792/- is a very big amount and he

cannot afford to lose the same. Therefore, he filed the present writ petition, seeking for a direction to the respondent to pay a sum of Rs.32,792/- along with interest at 24% per annum from the date of order to the date of actual payment. The respondent, even though has entered appearance, did not subsequently appear and therefore the respondent's name has been printed in the cause list.

4. A perusal of the affidavit filed in support of the petition only go to show that this writ petition has been filed only seeking enforcement of the order already passed. The application seeking gratuity has been filed as per Rule 10(1) of Act 1 of 1972. In the order, the authority under the Payment of Gratuity Act, has mentioned that the respondent has not filed any counter and did not participate in the enquiry. Considering the oral and documentary evidence, the authority has calculated the amount as per the provisions of law.

5. Under the circumstances, it is the duty of the respondent to comply with the order passed by the controlling authority under the Payment of Gratuity Act. Therefore, the writ petition is allowed as prayed for and the respondent is directed to pay a sum of Rs.32,792/- to the petitioner as per order dated 31.08.2000 on the file of the Assistant Commissioner of Labour, Salem together with interest thereon at 24% per annum from 31.8.2000 upto date of payment, failing which the concerned District Collector shall initiate collection of the amount by invoking the provisions of the Revenue Recovery Act and to pay it to the petitioner. No costs. Consequently, connected W.M.P. is closed.

Kst

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

The Executive Officer
Vennanthur Panchayat
Vennanthur, Rasipuram Taluk
Namakkal District.

+1cc to the Government Pleader, S.R.No.68183

KR/29/10/18

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