

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.Nos.3947, 3948, 3949, 3950 and 3951 of 2018

M.Baskaran	...	Petitioner in W.P.No.3947/18
V.Gunasekar	...	Petitioner in W.P.No.3948/18
M.A.Mohamed Yacoob	...	Petitioner in W.P.No.3949/18
K.Natarajan	...	Petitioner in W.P.No.3950/18
K.Venkatesan	...	Petitioner in W.P.No.3951/18

1.The District Collector,
Salem District,
Salem 636 001.

2.The Tahsildar,
Salem Taluk,
Salem 636 001.

3.The Managing Director,
Tamil Nadu State Transport Corporation [Salem] Ltd.,
12, Ramakrishna Salai,
Salem 636 007.

Vs

.. Respondents in all WPs

Writ Petitions filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus directing the respondents 1 and 2 to recover the amount of interest from the 3rd respondent under revenue recovery proceeding as per the certificate dated 25.01.2016 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act within stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.A.Nagarathinam
in all WPs

For Respondents : Mr.R.S.Selvam, GA for R1 & R2
in all WPs : Mr.R.K.Gandhi,
Standing Counsel for R3

C O M M O N O R D E R

These Writ Petitions have been directed against the impugned order dated 25.01.2016 issued by the Assistant Commissioner of Labour, Salem.

2.Heard the parties on both sides.

3.The petitioners were retired from service on various dates from the respondent Corporation on attaining the age of superannuation, after rendering 27 years of unblemished service. They submitted Form-I on 08.08.2013 to the respondent Corporation claiming gratuity amount. Since the same was not paid, they made claim petitions before the Controlling Authority under the Payment of Gratuity Act, 1972 seeking direction for payment of Gratuity payable by the respondent Corporation.

4.After filing counter affidavit by the third respondent, the authority under the Payment of Gratuity Act, 1972 passed separate orders on 12.08.2014 directing the respondent Corporation to pay gratuity along with interest at the rate of 10% p.a. and the said orders were also confirmed by the Appellate Authority/Joint Commissioner of Labour in Appeal Gratuity Application Nos.10 to 14 of 2015, vide orders dated 22.06.2015. On the representation made by the petitioners dated 22.07.2015, the respondent Corporation disbursed only the gratuity amount to the petitioners. Since the respondent Corporation had not paid the interest amount of gratuity, the Assistant Commissioner of Labour, Salem issued a notice dated 17.08.2015, directing the respondent Corporation to deposit the interest amount of gratuity, failing which, revenue recovery proceeding would be initiated.

5.Pursuant thereto, the Assistant Commissioner of Labour, Salem issued a Certificate dated 25.01.2016 under Section 8 of the Payment of Gratuity Act, 1972 for taking necessary action to recover the interest amount of gratuity. The District Collector/1st respondent has also issued a Memorandum dated 08.11.2016 directing the Tahsildar/2nd respondent to recover the amount of Rs.5,08,236/- from the respondent Corporation under the Revenue Recovery Act. Since no action was taken to recover the interest amount of gratuity, the petitioner is before this

Court.

6.This Court, by order dated 27.02.2018, directed the learned Standing Counsel appearing for the respondent Corporation to produce Demand Draft for a sum of Rs.5,08,236/- [Rupees Five Lakhs Eight Thousand Two Hundred and Thirty Six] being the interest of gratuity amount ordered to be paid to the petitioners. In spite of taking time, today, he has pleaded a different story that in some cases, an appeal has been filed and the same is pending. I do not know, how the respondent Corporation can get away from the statutory obligation from payment of interest on gratuity. Therefore, this Court hereby directs the respondents 1 and 2 to initiate revenue recovery proceedings forthwith against the third respondent/Corporation and settle the claim of the petitioners within a period of three weeks from the date of receipt of a copy of this order.

The Writ Petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gya

To

1.The District Collector,Salem District,Salem 636 001.

2.The Tahsildar,Salem Taluk,Salem 636 001.

3.The Managing Director,Tamil Nadu State Transport Corporation [Salem] Ltd.,12, Ramakrishna Salai,Salem 636 007.

+5cc to Mr.A.Nagarathinam, Advocate, S.R.No.19794

+1cc to the Government Pleader, S.R.No.20090

W.P.Nos.3947 to 3951 of 2018

RRK(19/03/2018)