

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.21255 of 2018
and W.M.P.No.24929 of 2018

F.Gabriel

... Petitioner

Vs.

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

2. The Tahsildar,
District Collectorate Compound,
Salem - 636 001.

3. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Ramakrishna Road,
Salem - 636 007.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents 1 and 2 to recover the sum of Rs.3,52,080/- as per the order of the Assistant Commissioner of Labour (Gratuity) bearing No.AA4/3476/2017, dated 23.03.2018 with interest at the rate of 10% p.a. from the 3rd respondent with effect from 23.03.2018 till the date of repayment and award costs.

For Petitioner : M/s.S.Ayyathurai

For Respondents : Mr.N.Srinivasan, AGP
Government Advocate for R1 and R2
M/s.Rajeni Ramadoss for R3

ORDER

This writ petition has been filed by the workman seeking direction of this Court directing the respondents to implement the order of gratuity ordered in his favour.

2. The District Collector has directed the Tahsildar to invoke the provision of Revenue Recovery Act and to enforce the order of gratuity passed in favour of the petitioner. The petitioner retired from service on 31.07.2012. The competent authority has computed the gratuity at Rs.6,79,770/-. As the management did not pay the amount, the authority under the Payment of Gratuity Act has issued a certificate to the first respondent with a direction to recover the amount due from the Management by invoking the provision of Revenue Recovery Act. The District Collector issued an order dated 26.05.2018 directing the Tahsildar to recover the amount. The Tahsildar sent a letter dated 31.05.2018 to the Management directing them to comply with the order. As the order has not been complied with, the petitioner is before this Court and this is the second round of litigation.

3. Considering the nature of grievance expressed herein and the limited relief sought for, the first and second respondents are directed to implement the order by invoking the provisions of Revenue Recovery Act, within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

5. Compliance to be reported before this Court.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ogy

To

1. The District Collector,
District Collectorate,
Salem - 636 001.
2. The Tahsildar,
District Collectorate Compound,
Salem - 636 001.

3. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Ramakrishna Road,
Salem - 636 007.

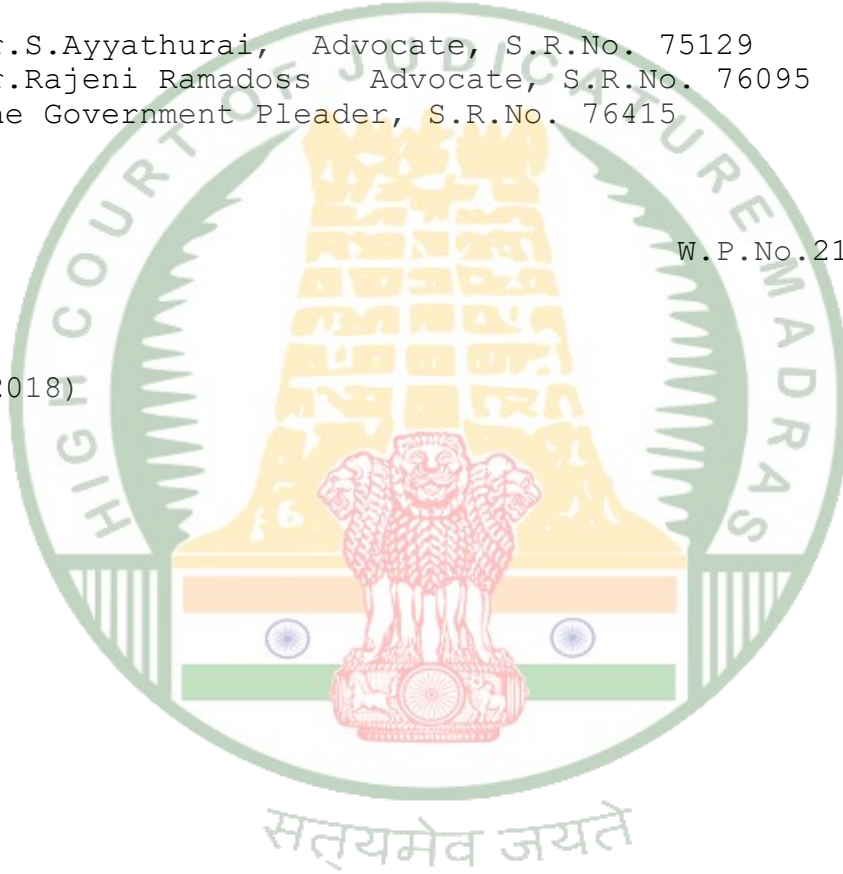
Copy To

The Section Officer,
Writ Section,
High Court, Madras.

+1cc to Mr.S.Ayyathurai, Advocate, S.R.No. 75129
+1cc to Mr.Rajeni Ramadoss Advocate, S.R.No. 76095
+1cc to the Government Pleader, S.R.No. 76415

W.P.No.21255 of 2018

VSNI (CO)
GN(20/12/2018)



WEB COPY