



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.28393 of 2016

S.Shankar

... Petitioner

..vs..

1. The District Collector,
Chennai District, Chennai
2. The Tahsildar, Purasaiwalkam Taluk,
Chennai - 600 008
3. The Management of Sadhana Stainless,
No.24/7 Raghu Nayakulu Street,
Park Town, Chennai - 3

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing respondents 1 and 2 to recover the petitioner's gratuity amount with 15% compound interest from 3rd respondent and pay to the petitioner.

For Petitioners : Mr. A.K.R.Ravi

For Respondents : Mr. N.Srinivasan, for R-1 & R-2,
Mr. K.G.Vasudevan, for R-3

O R D E R

This writ petition has been filed by the workman seeking direction to respondents 1 to 3 to implement the order of the Controlling Authority under the Payment of Gratuity Act, i.e., to enforce the order, dated 10.03.2017, under which the third respondent has been directed to pay the amount due towards gratuity (Rs.1,03,846/- with 15% compound interest) from the date of super-annuation, namely, 05.07.2008 to the date of payment.

2. As the third respondent failed to comply with the order even after receiving the order passed by the Controlling Authority, a show cause notice was issued to the third respondent, as contemplated under Section 8 of the Payment of Gratuity Act.

3. The third respondent failed to respond to the show cause notice. Therefore, recovery certificate was issued to the District Collector, i.e., the first respondent, with a direction to recover the amount from the third respondent. Hence, the first respondent has directed the second respondent to effect the recovery by invoking the provisions of the Revenue Recovery Act.

4. The learned counsel appearing for the workman would submit that after the issuance of the notice, the original gratuity amount payable, i.e., Rs.1,03,846/- has been paid and



only the amount due to be payable is only the interest portion, i.e., 15% compound interest from the date of retirement till the date of complete payment.

5. Under the stated circumstances, respondents 1 and 2 shall proceed with the recovery, invoking the provisions of the Revenue Recovery Act, forthwith, and after the recovery is made, respondents 1 and 2 shall report compliance before this Court at the earliest.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Chennai District, Chennai
2. The Tahsildar, Purasaiwalkam Taluk,
Chennai - 600 008

+1cc to Mr.A.K.R.Ravi, Advocate SR.NO.68054

SJ(CO)
sm:8.10.2018

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