

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2018

C O R A M

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.18495 of 2017

M.Mani
Adiyathur Village,
Mookanur Post,
Natrampalli Taluk,
Vellore District.

... Petitioner

Versus

- 1.The District Collector,
Vellore District,
Vellore - 632 009.
- 2.The Sub-Collector,
Tirupathur.
- 3.The Tahsildar,
Natrampalli Taluk,
Vellore District.
- 4.The Assistant Commissioner of Labour,
(The Authority under the payment of Gratuity Act)
Office of the Deputy Commissioner of Labour I
Vellore - 632 001.
- 5.The Management,
C2551 Pudupettai Primary Agricultural
Co-operative Credit Society Ltd.,
Pudupettai Post,
Vellore District 635 651.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus to direct the respondents 1 to 4 to recover the amount from the 5th respondent Rs.6,48,145/- along with compound interest at the rate of 15% per annum pursuant to the Revenue Recovery Certificate issued by the 4th respondent dated 06.03.2017 bearing PG/65/2016 under Section 8 of the Payment of Gratuity Act after giving credit to the payment of Rs.3,48,000/- paid on 30.01.2017 and pay the recovered amount to the petitioner within the time frame stipulated by this Court.

For Petitioner ... Mr.Balan Haridas
For Respondents 1 to 4 ... Mr.J.Ramesh,
Government Advocate
For Respondent 5 ... Mr.L.P.Shanmugasundaram,
Special Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents 1 to 4 to recover the amount from the 5th respondent a sum of Rs.6,48,145/- along with compound interest at the rate of 15% per annum, pursuant to the Revenue Recovery Certificate issued by the 4th respondent on 06.03.2017 in PG/65/2016 under Section 8 of the Payment of Gratuity Act, 1972, after giving credit to the payment of Rs.3,48,000/- paid on 30.01.2018.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner was an employee of the 5th respondent Management and retired from service. The Gratuity amount due to him for a sum of Rs.6,48,145/- had not been settled. Thus, the writ petitioner was constrained to move the controlling authority under the Act and an order was passed after adjudication on 29.08.2016 in PG/65/2016. Pursuant to the order passed by the authority, a show cause notice was issued to the management on 26.12.2016 and subsequently, the writ petitioner filed an application on 10.01.2017. After adjudication and further steps, the Assistant Commissioner of Labour issued a Recovery Certificate under Section 8 of the Act in proceedings No.PG/65/2016 dated 06.03.2017.

3. The grievance of the writ petitioner is that in respect of the Certificate of Recovery issued by the Assistant Commissioner of Labour, the first respondent has not initiated any steps to recover the amount from the management in accordance with Revenue Recovery Act. In fact, the first respondent-District Collector had issued a letter to the third respondent- Tahsildar on 09.05.2017 for the purpose of effecting recovery by invoking the provisions of Revenue Recovery Act. However, the third respondent is not pursuing the matter and recovery has not been effected and no payment has been made to the writ petitioner. Learned counsel for the writ petitioner states that Rs.3,48,000/- had already been paid to the writ petitioner and the balance amount alone is to be settled.

4. Under these circumstances, the respondents 1 to 3 are directed to effect Certificate of Recovery issued by the competent authority under Section 8 of the Gratuity Act and

accordingly, recover the balance amount of gratuity from the management and disburse the same to the writ petitioner as early as possible, preferably within a period of four months from the date of receipt of a copy of this Order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
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Vellore - 632 009.

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5.The Management,
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Co-operative Credit Society Ltd.,
Pudupettai Post,
Vellore District 635 651.

+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.No.27850

+1cc to Government Pleader Sr.No.27718

+1cc to Mr.Balan Haridas, Advocate Sr.No.27600

KJI(CO)

sm:7.5.2018

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