

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.19748 of 2017

P.Gopal

... Petitioner

Versus

1.The Assistant Commissioner of Labour,
Authority under the Payment of Gratuity Act, 1972,
Vellore.

2.The Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The Tahsildar,
Tiruvannamalai.

4.Tiruvannamalai District Consumer Co-operative
Wholesale Stores Ltd.,
Rep. by its managing Director,
No.34 A, Gandhi Nagar,
Tiruvannamalai,
Tiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus to direct the respondents 2 and 3 to recover the compound interest at the rate of 15% on the sum of Rs.5,06,121/- per annum as per the Revenue Recovery Certificate dated 29.03.2016 bearing Ref.No.C1/3540/2015 issued by the 1st respondent under the Section 8 of the Payment of Gratuity Act, 1972 from 4th respondent.

For Petitioner ... Mr.Balan Haridas

For Respondents 1 to 3 ... Mr.J.Ramesh,
Government Advocate

For Respondent 4 ... Mr.M.S.Palanisamy

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents 2 and 3 to recover the compound interest at the rate of 15% for a sum of Rs.5,06,121/- per annum as per the Revenue Recovery Certificate dated 29.03.2016 in Ref.No.C1/3540/2015 issued by the 1st respondent under the Section 8 of the Payment of Gratuity Act, 1972 from 4th respondent/management.

2. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was an employee of the 4th respondent Management and retired from service. However, the Gratuity amount due to the petitioner had not been settled. Thus, the writ petitioner was constrained to move to the controlling authority under the Act in P.G. No.216 of 2013 and after adjudication, a final order was passed on 14.8.2015. Pursuant to the orders passed by the controlling authority, a show cause notice was issued to the management dated 09.02.2016 and thereafter, based on the application submitted by the writ petitioner on 04.12.2015, Certificate of Recovery was issued under Section 8 of the Payment of Gratuity Act, 1972 by the Assistant Commissioner of Labour in proceedings in Ref.No.C1/3540/2015 dated 29.03.2016.

3. The grievance of the writ petitioner is that the gratuity amount of Rs.5,06,121/- had already been settled and the writ petitioner had received the same on 20.05.2017. However, the compound interest of 15% p.a., for the said amount is to be paid as per the Certificate of Recovery. The present writ petition is now confined to the extent of payment of interest as per the Certificate of Recovery issued by the competent authority.

4. In this view of the matter, the respondents 2 and 3 are directed to honour the Certificate of Recovery issued by the competent authority by invoking the provisions of Revenue Recovery Act and realise the interest amount from the fourth respondent-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(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Assistant Commissioner of Labour,
Authority under the Payment of Gratuity Act, 1972,
Vellore.

2.The Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The Tahsildar,
Tiruvannamalai.

+1 cc to Ms.Palanisamy Advocate sr 27820

+1 cc to M/s Balan Haridass Advocate sr 27601

+1 cc to the Govt Pleader sr 27719

W.P.No.19748 of 2017

gmi(co)
aa03/05/2018

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