

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.Nos.24472 to 24476 of 2018

R.Natesan ... Petitioner in W.P.24472 of 2018
G.Kumaresan Petitioner in W.P.24473 of 2018
V.Thangaraj Petitioner in W.P.24474 of 2018
P.Lakshmanan Petitioner in W.P.24475 of 2018
P.Mani Petitioner in W.P.24476 of 2018

Vs

- 1.The District Collector
Salem District, Salem - 636 001.
2. The Tahsildar, Salem Taluk
Salem - 636 001.
3. The Managing Director
Tamilnadu State Transport Corporation (Salem)
Limited, 12, Ramakrishna Salai,
Salem-636 007 Respondents in all the W.Ps.

For Petitioners: M/s.Nagarathinam

For Respondents: Mr.N.Srinivasan
Additional Government Pleader
- for RR 1 and 2

Prayer in W.P.No.24472 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to recover a sum of Rs.3,61,832/- being the arrears of gratuity and interest from the third respondent under revenue recovery proceedings as per the certificate dated 06.06.2017 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Paymet of Gratuity Act within a stipulated time as fixed by the Honourable Court.

Prayer in W.P.No.24473 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to recover a sum of Rs.3,17,280/- being the arrears of gratuity and interest from the third respondent under revenue recovery proceedings as per

the certificate dated 06.06.2017 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act within a stipulated time as fixed by the Honourable Court.

Prayer in W.P.No.24474 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to recover a sum of Rs.3,34,760/- being the arrears of gratuity and interest from the third respondent under revenue recovery proceedings as per the certificate dated 06.06.2017 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act within a stipulated time as fixed by the Honourable Court.

Prayer in W.P.No.24475 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to recover a sum of Rs.3,40,224/- being the arrears of gratuity and interest from the third respondent under revenue recovery proceedings as per the certificate dated 06.06.2017 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act within a stipulated time as fixed by the Honourable Court.

Prayer in W.P.No.24476 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to recover a sum of Rs.3,12,810/- being the arrears of gratuity and interest from the third respondent under revenue recovery proceedings as per the certificate dated 06.06.2017 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act within a stipulated time as fixed by the Honourable Court.

COMMON O R D E R

These writ petitions are filed by the workmen expressing grievance that no action has been taken by the first respondent, in spite of the order passed by the Assistant Commissioner of Labour dated 16.12.2016, directing the third respondent to pay the following amounts due to the petitioners respectively towards the payment of gratuity along with interest at the rate of 10% per annum from the date of retirement till the date of realisation.

S.No	Name of the Petitioner / Workman	Petitioner in Writ Petition	Amount of Gratuity and Interest Due
1.	R.Natesan	W.P.24472 of 2018	Rs.8,01,231/-

S.No	Name of the Petitioner / Workman	Petitioner in Writ Petition	Amount of Gratuity and Interest Due
2.	G.Kumaresan	W.P.24473 of 2018	Rs.6,91,906/-
3.	V.Thangaraj	W.P.24474 of 2018	Rs.7,37,146/-
4.	P.Lakshmanan	W.P.24475 of 2018	Rs.7,10,077/-
5.	P.Mani	W.P.24476 of 2018	Rs.8,25,785/-

2. The Assistant Commissioner of Labour, Salem, issued a notice dated 06.06.2017 calling for the third respondent to deposit the above amounts due to the petitioners with interest at the rate of 10% of the amount. Since the third respondent did not come forward to disburse the amounts with interest, the Assistant Commissioner of Labour, Salem issued a certificate dated 06.06.2018 under Section 8 of the Payment of Gratuity Act for taking necessary action to recover the amounts ordered. The petitioners made a representation dated 26.08.2018 to the first respondent to recover the said amounts from the third respondent. Since no action was taken by the first and second respondents for recovery of the amounts ordered by the Assistant Commissioner of Labour, the petitioners have filed the present writ petitions.

3. In view of the limited prayer, considering the facts and circumstances, the first respondent is directed to comply with the order passed by the Assistant Commissioner of Labour, Salem under Section 8 of the Payment of Gratuity Act within a period of one month from the date of receipt of a copy of this order and to report compliance to this Court. With the above directions, the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kst

To

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

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

3. The Managing Director
Tamilnadu State Transport Corporation (Salem)
Limited, 12, Ramakrishna Salai,
Salem-636 007.

+1cc to the Government Pleader Sr.65790

+5cc to M/s.A.Nagarathinam, Advocate Sr.66088 [26/10/2018]

W.P.24472 & 24476 of 2018

kan[co]
srg 24/09/2018



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