

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.24519, 24520 and 24521 of 2018

1.M.Raju .. Petitioner in W.P.No.24519 / 2018
2.S.Gnanavel .. Petitioner in W.P.No.24520 / 2018
3. A.Chandrasekaran .. Petitioner in W.P.No.24521 / 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) Ltd., 12, Ramakrishna Salai
Salem - 636 007. .. Respondents in all the W.Ps.

Prayer in W.P.No.24519 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents to recover a sum of Rs.3,00,870/- being the arrears of gratuity and interest from the 3rd 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 the Payment of Gratuity Act within a stipulated time as fixed by this Court.

Prayer in W.P.No.24520 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents to recover a sum of Rs.2,87,894/- being the arrears of gratuity and interest from the 3rd 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 the Payment of Gratuity Act within a stipulated time as fixed by this Court.

Prayer in W.P.No.24521 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents to recover a sum of Rs.2,61,062/- being the arrears of gratuity and

interest from the 3rd 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 the Payment of Gratuity Act within a stipulated time as fixed by this Court.

For Petitioner : M/s.A.Nagarathinam

For Respondents : Mr.K.K.Ramesh - for R1 & R2

O R D E R

The above writ petitions contain similar prayer, seeking direction to the respondents 1 and 2 to effect recovery of gratuity awarded along with interest at 10% per annum.

2. The brief facts leading to the filing of the present writ petitions is as follows. The petitioners were the employees of the third respondent Corporation. As the gratuity payable to them was not paid, the petitioners filed applications for sanction of gratuity under the Payment of Gratuity Act. The controlling authority under the Payment of Gratuity Act / Assistant Commissioner of Labour, Salem, passed a common order dated 16.12.2016 directing the third respondent to pay the gratuity along with interest at the rate of 10% per annum from the date of retirement till the date of realisation. Even after the said order, the third respondent has failed to make the payment of gratuity to the petitioners. On 06.06.2017, the Assistant Commissioner of Labour, Salem issued a certificate under Section 8 of the Payment of Gratuity Act, requesting the first respondent / District Collector, Salem, to recover the gratuity amount from the third respondent within a period of 30 days. Thereafter, the first respondent sent a letter dated 11.12.2017, seeking additional information regarding the recovery of the amount, but subsequently also did not take any steps to initiate the proceedings. On 23.07.2017, the third respondent paid the gratuity amount due with interest calculated at 6% per annum, though the Assistant Commissioner of Labour has ordered for payment of the gratuity along with 10% interest per annum. The amount due to each of the petitioner is set out clearly in the typed set of papers.

3. Since no action was taken, the petitioners made a representation dated 26.08.2018 to the first respondent to recover the arrears of gratuity, if any, and arrears of interest from the third respondent. However, the representations did not evoke any response from the respondents 1 and 2. Hence, the petitioners have filed the present writ petitions.

4. Considering the limited prayer, without issuing notice to

the respondents, the writ petitions are disposed of with a direction to the first and second respondents to implement the order passed by the Controlling Authority under the Payment of Gratuity Act / Assistant Commissioner of Labour, by invoking the provisions of the Revenue Recovery Act, recover the arrears and pay it to the petitioners, within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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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) Ltd., 12, Ramakrishna Salai
Salem - 636 007.
- 4.The Assistant Commissioner of Labour,
Salem.

+1 cc to The Government Pleader, Sr.No.74327
+3 cc's to Mr.A.Nagarathinam, Advocate Sr.No.73826

W.P.NO.24519, 24520 and
24521 of 2018

KK(CO)
CSL/26.11.2018

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