

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.25490 of 2018

C.Kandasamy

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Petitioner

Vs

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

2. The Tahsildar
Salem Taluk, Salem - 636001.

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

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to recover a sum of Rs.2,51,281/- 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 the Payment of Gratuity Act, within a stipulated time as fixed by this Honourable Court.

For Petitioner : Mr.A.Nagarathinam

For Respondents: Mr.S.Soundararajan, Government Advocate
- for RR 1 and 2
Ms.Rajani Ramadoss - for R3

सतयमेव जयते
O R D E R

This writ petition has been filed by the employee, who has retired in the year 2014 ie., on 31.08.2014, knocking the doors of the respondents 1 and 2, for the enforcement of the order passed by the controlling authority under the Payment of Gratuity Act.

2. The petitioner and five other workmen filed applications under Section 7(4)(b) of the Payment of Gratuity Act, claiming gratuity and interest payable for the same, from the third respondent.

2. By the order dated 16.12.2016, the Assistant Commissioner of Labour had allowed the applications and totally a sum of Rs.36,92,599/-,

along with interest was ordered to be paid towards the gratuity payable to all the workmen. The amount due to the petitioner alone, as arrears of gratuity along with interest is Rs.2,51,281/-. Subsequently, as the third respondent did not comply with the order, the Assistant Commissioner of Labour, by his proceedings dated 06.06.2017, has requested the first respondent / the District Collector to initiate proceedings against the third respondent under the Revenue Recovery Act. However, till date the first respondent has not taken any action for the recovery of the amount, though necessary certificate required under section Payment of Gratuity Act has already been furnished in the proceedings dated 06.06.2017. The inaction on the part of the first respondent has compelled the workman to move this Court with the present writ petition.

3. It is needless to point out that it is the statutory duty of the first respondent to ensure that the gratuity amount due to the employees is recovered and paid to them. However, despite the proceedings being issued on 06.06.2017, the first respondent has not taken any action. Under the circumstances, the first respondent is directed to implement the order of the Assistant Commissioner of Labour, Salem dated 06.06.2017 within a period of two months from the date of receipt of a copy of this order, and report compliance to this Court. With these directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS ii)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector
Salem District, Salem-636 001.
2. The Tahsildar
Salem Taluk, Salem - 636001.
3. The Managing Director
Tamilnadu State Transport Corporation
(Salem) Limited, 12, Ramakrishna Salai
Salem - 636 007.
- 4.The Assistant Commissioner of Laboour,
Salem.
- 5.The Section cofficer
Writ Section,
High court
Madras

W.P.No.25490 of 2018

ASK(28/09/2018)