

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28617 of 2018

S.Ramasamy

... Petitioner

Vs

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

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

3.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem 636 007.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to recover a sum of Rs.1,63,640/- being the arrears of gratuity and interest from the third respondent under revenue recovery proceeding as per the Certificate dated 06.06.2017 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.E.Balamurugan,
Special Government Pleader

O R D E R

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking a direction to the respondents 1 and 2 to recover a sum of Rs.1,63,640/- being the arrears of gratuity and interest from

the third respondent under revenue recovery proceeding as per the Certificate dated 06.06.2017 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act.

3. The Assistant Commissioner of Labour, Salem, issued a notice dated 06.06.2017 calling for the third respondent to deposit the above amount due to the petitioner with interest at the rate of 10% of the amount. Since the third respondent did not come forward to disburse the amount with interest, the Assistant Commissioner of Labour, Salem issued a certificate dated 06.06.2017 under Section 8 of the Payment of Gratuity Act for taking necessary action to recover the amount ordered. Such an order has not been challenged and hence, the petitioner made a representation dated 13.10.2018 to the first respondent to recover the said amount from the third respondent. Since no action was taken by the first and second respondents for recovery of the amount ordered by the Assistant Commissioner of Labour, the petitioner has filed the present writ petition.

4. 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.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

gsk

To

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

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

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3.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem 636 007.

+1cc to Mr.A.Nagarathinam, Advocate SR.No.75238

+1cc to Government Pleader SR.No.75884

W.P.No.28617 of 2018

GMY (27/11/2018)



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