

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.29623 of 2018

L.Ramesh

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Petitioner

Vs

1. Union Territory of Puducherry
represented by the Chief Secretary
Government of Puducherry
Puducherry.
2. The District Collector of Puducherry
Government of Puducherry
Saram, Puducherry - 605 013.
3. The Anglo French Textiles
Unit of Pondicherry Textile Corporation Limited
represented by its Managing Director
Mudaliarpeta, Puducherry 605 004. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to forthwith pay the amounts of gratuity due and payable to the petitioner together with interest at the rate of 10 percentage per annum thereon from the date of his retirement along with his entitlement under the Employees Retirement Benefit Fund and other dues.

For Petitioner : Mr.V.Kamala Kumar

For Respondents : M/s.A.V.Ramalingam,
Addl.Govt.Pleader
for R1 and R2
Ms.N.Mala for R3

O R D E R

The petitioner has filed this writ petition for a direction to the respondents to forthwith pay the amount of gratuity due and payable to the petitioner together with interest at 10% thereon from the date of his retirement.

2. The facts leading to the filing of the writ petition is that the petitioner was employed as Junior Supervisor, Personnel Department of the third respondent Anglo French Textiles Limited and retired from service on 08.03.2014 by opting for voluntary retirement scheme. The third respondent was acquired by the Government of Puducherry with effect from 24.12.1985. As the gratuity amount due to the petitioner was not paid in time, the petitioner approached the Labour Officer (Enforcement), Puducherry, who is the Controlling Authority under the Payment of Gratuity Act, 1972 by filing P.G.No.108 of 2016. The controlling authority determined the gratuity payable to the petitioner at Rs.3,77,164, passed the order dated 25.11.2016 and directed the third respondent to pay the same within a period of thirty days from the date of receipt of the order.

3. In similar writ petition filed by the co-employees of the petitioner, this Court, vide order dated 16.09.2014 in W.P.No.18277 of 2014 read with order dated 21.12.2015 made in Review Application No.107 of 2015, had directed the second respondent to sell the assets of the third respondent in public auction and disburse the gratuity amount to the employees. The third respondent, in compliance with the above order, paid the gratuity dues of those ten employees, who had preferred the aforesaid writ petition. The gratuity amount due to the petitioner along with interest, excluding the amounts already received and as tabulated in the typed set of papers ie., Rs.3,68,121/-,. However, a sum of Rs.25,000/- payable towards Employees Retirement Benefit Fund, two months' salary and Provident Fund arrears has not yet been paid to the petitioner.

4. The petitioner also contends that this Court by order dated 16.09.2014 in W.P.No.18277 of 2014 read with the order dated 21.12.2015 in Review Application No.107 of 2015 in W.P.No.18277 of 2014, has directed the second respondent to sell the assets of the third respondent in public auction and disburse the gratuity amount to the employees. Hence, the petitioner seeks a direction to the respondents for expediting the revenue recovery proceedings and settlement of gratuity dues.

5. Considering the facts and circumstances and in view of the limited nature of the prayer, it is directed that the amount due to the petitioner shall be paid immediately after the sale of the property by the management, as directed by this Court, and in any event, within a period of four months from the date of receipt of a copy of this order.

6. The submission of the learned counsel for the petitioner that no contempt petition will be filed before the payment of the amount within a period of four months as stipulated above, is also placed on record.

6. It is represented by the learned counsel for the management that if the property is not sold, even by the Advocate Commissioner, who has been appointed by this Court in the connected writ petition in W.P.No.24642 of 2018, the management may be at liberty to seek for further extension of time, and the liberty is granted.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kst

To

1. Union Territory of Puducherry represented by the Chief Secretary, Government of Puducherry, Puducherry.
2. The District Collector of Puducherry, Government of Puducherry, Saram, Puducherry - 605 013.
3. The Anglo French Textiles, Unit of Pondicherry Textile Corporation Limited, represented by its Managing Director Mudaliarpur, Puducherry 605 004.

+1 cc to M/s.V.Kamala Kumar, Advocate SR No.78063

+1 cc to M/s.N.Kala, Advocate (High Court standing counsel ICMR, NEWDELHI) SR No.78466

+1 cc to Government pleader, High Court, Madras SR No.78466

W.P.No.29623 of 2018

spd(co)
ssm(19/12/18)