



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)Nos.16981 and 16982 of 2018

and

W.M.P.(MD) Nos.14962 and 14963 of 2018

K.G.Nagendran

... Petitioner in
W.P.16981/18

K.S.Subramanian

... Petitioner in
W.P.16982/18

Vs.

1.The District Collector,
Madurai District,
Collectorate,
Madurai - 625 020.

2.The Tahsildar,
Madurai South Taluk,
Madurai District Collectorate,
Madurai - 20.

3.The Assistant Commissioner of Labour,
Office of Deputy Commissioner of Labour,
Labour Office Complex,
Race Course, Madurai - 7.

3.The management,
Seetha Lakshmi Mills Ltd.,
Thirunagar, Madurai - 6.

... Respondents in
both petitions

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioners' individual representations dated 02.03.2018 to recover the gratuity amount with interest payable to the petitioners as per the recovery certificate issued by the 3rd respondent within the stipulated time fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/> For Petitioners : Mr.T.V.Sivakumar
For Respondents : Mrs.S.Srimathy, Spl.G.P.
For RR1 to 3

**ORDER**

In both the writ petitions, the prayer sought for is for a Writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioners' individual representations dated 02.03.2018 to recover the gratuity amount with interest payable to the petitioners as per the recovery certificate issued by the 3rd respondent within the stipulated time fixed by this Court.

2. Heard Mr.T.Sivakumar, learned counsel appearing for the petitioners and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents. Since these writ petitions are only for a direction to the second respondent to comply with the direction already issued by the first respondent, notice to the fourth respondent is dispensed with.

3. Both the petitioners had been working at the fourth respondent Mill. Since the gratuity amount had not been paid to the petitioners, they have approached the third respondent and the third respondent passed an order on 30.07.2010, directing the fourth respondent to pay the gratuity with 15% interest and the same shall be directed to be recovered by the first respondent under revenue recovery proceedings and credited at the concerned account at the third respondent.

4. Pursuant to the said order, the first respondent, by its proceedings in Na.Ka.No.94182/2010/T4 dated 29.12.2010 directed the second respondent Trahsildar, to take immediate action under revenue recovery proceedings and recover the said amount from the fourth respondent and credited the same at the third respondent office. Though such a directive was issued by the first respondent on 29.12.2010, it is the grievance of the petitioners that so far, the second respondent has not acted upon.

5. I have heard the learned Special Government Pleader appearing for the respondents 1 to 3, who would submit that if the said directive issued by the first respondent is not so far acted upon by the second respondent, certainly, the second respondent would act upon immediately and the amount would be recovered and credited within a time frame.

6. Considering the said submissions made by both sides and by taking into account the circumstances of the case, this Court is inclined to pass the following order:

"The second respondent is directed to implement the order/direction issued by the first respondent dated 29.12.2010 in Na.Ka.No.94182/2010/T4, within a period of six weeks from the date of receipt of a copy of this



7. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd
ASSISTANT REGISTRAR (CO)

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TRUE COPY

SUB ASSISTANT REGISTRAR (CS I)

Arul

To

1. The District Collector,
Madurai District,
Collectorate,
Madurai - 625 020.
2. The Tahsildar,
Madurai South Taluk,
Madurai District Collectorate,
Madurai - 20.
3. The Assistant Commissioner of Labour,
Office of Deputy Commissioner of Labour,
Labour Office Complex,
Race Course, Madurai - 7.

2CC TO MR. T. SIVAKUMAR, ADVOCATE SR Nos. 76277, 76276
1CC TO THE SPL GOVT PLEADER SR 76560

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