



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.17366 of 2017

and

W.M.P. (MD) .No.13899 of 2017

Therasamma

...Petitioner

Vs.

1.The Assistant Commissioner of Labour(Gratuity)

Office of the Labour Commissioner,

106, Tiruvananthapuram Road,

Palayamkottai, Tirunelveli-2,

Tirunelveli District.

2.The Assistant Commissioner of Provident Fund,

Water Tank Road, Nagercoil,

Kanyakumari District.

3.The Administrative Director,

Arasu Rubber Corporation,

Vadaseri, Nagercoil, Kanyakumari District.

4.The Divisional Manager,

Arasu Rubber Corporation,

Manalodai Division,

Perunchani,

Ponmanai Post,

Kanyakumari District.

5.Pushpam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein, especially respondents 1 and 2 to disburse the Gratuity and Provident Fund, payable to the petitioner's deceased husband late Krishnan, to the petitioner within a time as may be fixed by this Court.

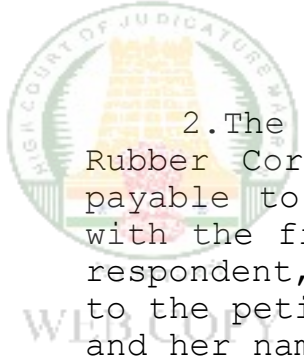
For Petitioner : Mr.C.Kishore

For R1, R2 & R4 : Mrs.S.Srimathy

Special Government Pleader

For R3 : Mr.T.Ravichandran

For R5 : No Appearance



2.The petitioner's husband Krishnan, was employed in Arasu Rubber Corporation. He passed away on 14.01.2016. The amounts payable to the said Krishnan has been deposited by the Management with the first respondent. Due to the objection raised by the fifth respondent, the first respondent has not disbursed the said amount to the petitioner. Though notice was served on the fifth respondent and her name was printed in the cause list, the fifth respondent has not chosen to enter appearance before this Court. The name of the petitioner is entered as nominee in the Service records of late.Krishnan. If the fifth respondent has any legitimate objection, it is for her to move before the Civil Court and obtain an order of injunction. Merely, because the fifth respondent lodged an objection, the first respondent is not justified in not disbursing the amounts payable to the petitioner. Till date, the fifth respondent has not obtained any order restraining the disbursement of funds in favour of the petitioner. There is no restraining order passed by the competent Civil Court.

3.Therefore, direction shall issue to the respondents 1 and 2 to disburse the Gratuity, Provident Fund payable to the petitioner. Such disbursement shall be done within a period of six weeks from the date of copy of this order.

4.With these observations and directions, the Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Assistant Commissioner of Labour,
Office of the Labour Commissioner,106, Tiruvananthapuram Road,
Palayamkottai, Tirunelveli-2, Tirunelveli District.
- 2.The Assistant Commissioner of Provident Fund,
Water Tank Road, Nagercoil, Kanyakumari District.
- 3.The Divisional Manager, Arasu Rubber Corporation,
Manalodai Division, Perunchani, Ponmanai Post,
Kanyakumari District.

+1CC to Mr.C.Kishore, Advocate, SR.No. 49108

+1CC to the Special Government Pleader SR.No.49617

W.P. (MD) .No.17366 of 2017
15.02.2018

tsg