

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.32882 of 2004
and
WP.MP.No.39794 of 2004

N.Subramaniam

...Petitioner

Vs

1. The Controlling Authority,
Under Payment of Gratuity Act,
Deputy Commissioner of Labour,
Coimbatore.

2. The Management of Sarguna
Textiles Pvt. Ltd,
Chindhamanipudur,
Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to pass an order of Writ of mandamus, directing the second respondent to comply with the order of the first respondent made in G.A.No.602 of 2003 dated 16.06.2004.

For Petitioner : Mr.V.Bhiman

For Respondents: Mr.S.Suresh kumar,
Government Advocate for R1
Mr.V.Avinesh for R2

O R D E R

It is the submission of the learned counsel for the petitioner that though the petitioner herein had put in a long term of service and had retired, the second respondent herein had not paid the gratuity. Subsequently, the first respondent herein had also directed the second respondent/Management to pay the gratuity dues to the petitioner from the date on which, it had become due along with interest at the rate of 10%. Since the second respondent had not complied with the orders of the first respondent, the present writ petition has been filed seeking for a direction to the second respondent to comply with the order of the first respondent.

2. It is seen that the petitioner herein had approached this Court in view of the earlier orders of the first respondent authority dated 16.06.2004. In my view, consideration of the prayer sought for in the present writ petition after so many years have lapsed, may not be proper. Nevertheless, since the petitioner would be entitled for the gratuity as ordered by the first respondent herein, it would be appropriate to grant him liberty to approach the second respondent/Management seeking for payment of the gratuity, if he had not already received.

3. In the light of the above observations, the petitioner herein is granted liberty to make a representation before the second respondent seeking for payment of the gratuity dues and on receipt of such a representation, the second respondent shall forthwith consider the same, in accordance with law, within a period of 4 weeks from the date of receipt of copy of this order.

4. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Controlling Authority,
Under Payment of Gratuity Act,
Deputy Commissioner of Labour,
Coimbatore.

2. The Management of Sarguna
Textiles Pvt. Ltd,
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+1cc to the Government Pleader sr.30452

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srg 04/04/2019