

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.6735, 3612, 5455, 5458, 5463, 5465, 5467, 5470,
5473, 5478, 5480, 5484, 5487, 5489, 5490, 5492, 5496,
6738, 6740, 6742, 6744, 6763, 6765, 6770, 6771, 6776,
6793, 6798, 6802, 6805, 6806, 6853, 6854, 6856,
6859, 6865, 6867, 6868, 6914, 6928, 6929, 6931 &
6932 of 2019

R.THINAGARAN ... PETITIONER in WP No.6735 of 2019
S.NAGARAJAN ... PETITIONER in WP No.3612 of 2019
R.ANBZHAGAN ... PETITIONER in WP No.5455 of 2019
K.SANKAR ... PETITIONER in WP No.5458 of 2019
D.KARUNAGARAN ... PETITIONER in WP No.5463 of 2019
S.SHANMUGAM ... PETITIONER in WP No.5465 of 2019
M.MANJINI ... PETITIONER in WP No.5467 of 2019
S.VEDHANAYAGAM ... PETITIONER in WP No.5470 of 2019
A.MARIAMMAL ... PETITIONER in WP No.5473 of 2019
P.KATHAVARAYAN ... PETITIONER in WP No.5478 of 2019
R.RAMACANDRAN ... PETITIONER in WP No.5480 of 2019
M.RAMAMOORTHY ... PETITIONER in WP No.5484 of 2019
N.JOTHI ... PETITIONER in WP No.5487 of 2019
G.RAMALINGAM ... PETITIONER in WP No.5489 of 2019
N.KALIAMURTHY ... PETITIONER in WP No.5490 of 2019
E.RAMADASSOU LANGLOIS ... PETITIONER in WP No.5492 of 2019
A.ANBU ... PETITIONER in WP No.5496 of 2019
P.ATHIMOOLAM ... PETITIONER in WP No.6738 of 2019

K.NAGARAJAN ... PETITIONER in WP No.6740 of 2019

S.CHINNAPPAN ... PETITIONER in WP No.6742 of 2019

A.MARIMUTHU ... PETITIONER in WP No.6744 of 2019

M.AMBIGAPATHY ... PETITIONER in WP No.6763 of 2019

M.VENUGOPALAN ... PETITIONER in WP No.6765 of 2019

D.MARCELIN ... PETITIONER in WP No.6770 of 2019

M.RAMAMOORTHY ... PETITIONER in WP No.6771 of 2019

M.KANDEEBAN ALIAS JAGANATHAN ... PETITIONER in WP No.6776 of 2019

M.THANGADURAI ... PETITIONER in WP No.6793 of 2019

T.MUNISAMY ... PETITIONER in WP No.6798 of 2019

S.RAMASUNDARAM ... PETITIONER in WP No.6802 of 2019

K.RAJENDIRAN ... PETITIONER in WP No.6805 of 2019

G.ARJUNAN ... PETITIONER in WP No.6806 of 2019

T.MANNANKATTI ... PETITIONER in WP No.6853 of 2019

R.THIRUVENKADAM ... PETITIONER in WP No.6854 of 2019

P.ALAGAPPAN ... PETITIONER in WP No.6856 of 2019

S.NAGAPPAN ... PETITIONER in WP No.6859 of 2019

T.RAMACHANDREN ... PETITIONER in WP No.6865 of 2019

M.ARUMUGAM ... PETITIONER in WP No.6867 of 2019

A.PALANIAPPAN ... PETITIONER in WP No.6868 of 2019

M.HARIKRISHNAN ... PETITIONER in WP No.6914 of 2019

V.PAZHANISAMY ... PETITIONER in WP No.6928 of 2019

J.SELVARAJ ... PETITIONER in WP No.6929 of 2019

K.KALIYAPERUMAL ... PETITIONER in WP No.6931 of 2019

P.NEERAS ALIAS NARAYANASAMY ... PETITIONER in WP No.6932 of 2019

..Vs..

1.The Managing Director,
M/s.Sri Bharathi Mills,
(A Govt. of Puducherry Undertaking),
Mudaliarpeth, Puducherry.

2.The District Collector,
I - Floor, New Revenue Complex,
Vazhudavoor Road, Pettaiyanchathiram,
Puducherry - 605 009.

3.Tahsildar,
Taluk Office,
100, Feet Road, Mudaliarpeth,
Puducherry - 605 004.

...Respondents in all WPS

W.P.No.6735 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, and direct the second and third respondents to recover a sum of Rs.3,90,525/- towards gratuity along with simple interest @ 10% per annum from 12.03.2015 till 07.07.2018 and a compound interest of 15% from 08.07.2018 till the date of payment of the Gratuity from the first respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 30.05.2018 in G.A.No.37 of 2018 issued by the Controlling Authority cum Labour Officer.

WP No.3612 of 2019: To direct the 2nd and 3rd respondent to recover a sum of Rs.2,55,983/-towards gratuity along with simple interest at 10 percentage per annum from 4-9-2014 till 7-7-2018 and a compound interest of 15 % from 8-7-2018 till the date of payment of gratuity from the 1st respondent as stipulated in certificate of recovery dated 1-12-2018 R/W order dated 30-5-2018 in G.A.NO 44/2018 both issued by the controlling authority cum labour officer.

WP No.5455 of 2019: direct the 2nd and 3rd Respondent to recover a sum of Rs.3,71,478/- towards gratuity along with simple interest @ 10 percentage per annum from 14.06.2014 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.01 of 2018 issued by the controlling Authority cum Labour officer

WP No.5458 of 2019:direct the 2nd and 3rd Respondent to recover a sum of Rs.3,50,468/- towards gratuity along with simple interest @ 10 percentage per annum from 10.12.2014 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st

Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.02 of 2018 issued by the controlling Authority cum Labour officer

WP No.5463 of 2019:direct the 2nd and 3rd Respondent to recover a sum of Rs.3,85,254/- towards gratuity along with simple interest @ 10 percentage per annum from 15.10.2016 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.03 of 2018 issued by the controlling Authority cum Labour officer

WP No.5465 of 2019:direct the 2nd and 3rd Respondent to recover a sum of Rs.3,26,471/- towards gratuity along with simple interest @ 10 percentage per annum from 16.08.2015 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.04 of 2018 issued by the controlling Authority cum Labour officer

WP No.5467 of 2019:direct the 2nd and 3rd Respondent to recover a sum of Rs.4,28,759/- towards gratuity along with simple interest @ 10 percentage per annum from 02.07.2014 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.05 of 2018 issued by the controlling Authority cum Labour officer

WP No.5470 of 2019:direct the 2nd and 3rd Respondent to recover a sum of Rs.3,52,106/- towards gratuity along with simple interest @ 10 percentage per annum from 9.9.2014 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.06 of 2018 issued by the controlling Authority cum Labour officer

WP No.5473 of 2019 direct the 2nd and 3rd Respondent to recover a sum of Rs.3,02,133/- towards gratuity along with simple interest @ 10 percentage per annum from 31.12.2014 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.07 of 2018 issued by the controlling Authority cum Labour officer

WP No.5478 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs. 2,95,609/- towards gratuity along with simple interest @ 10 percentage per annum from 2.04.2014 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.08 of 2018 issued by the controlling Authority cum Labour officer

WP No.5480 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,09,647/-/- towards gratuity along with simple interest @ 10 percentage per annum from 9.06.2015 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.09 of 2018 issued by the controlling Authority cum Labour officer

WP No.5484 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,46,410/- towards gratuity along with simple interest @ 10 percentage per annum from 2.7.2016 till 06.07.2018 and a compound interest of 15 percentage from 7.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 1.6.2018 in G.A.No.10 of 2018 issued by the controlling Authority cum Labour officer

WP No.5487 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.2,85,812/- towards gratuity along with simple interest @ 10 percentage per annum from 11.04.2015 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.12 of 2018 issued by the controlling Authority cum Labour officer

WP No.5489 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,38,295/- towards gratuity along with simple interest @ 10 percentage per annum from 19.09.2015 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.13 of 2018 issued by the controlling Authority cum Labour officer

WP No.5490 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,25,248/- towards gratuity along with simple interest @ 10 percentage per annum from 14.06.2014 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.14 of 2018 issued by the controlling Authority cum Labour officer

WP No.5492 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,71,214/- towards gratuity along with simple interest @ 10 percentage per annum from 31.5.2016 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.15 of 2018 issued by the controlling Authority cum Labour officer

WP No.5496 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,53,305/- towards gratuity along with simple interest @ 10 percentage per annum from 26.05.2015 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.21 of 2018 issued by the controlling Authority cum Labour officer

WP No.6738 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.3,73,812/- towards gratuity along with simple interest @ 10 percent per annum from 27.01.2016 till 07.07.2018 and a compound interest of 15 percent from 08.07.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 30.05.2018 in G.A.No. 38 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6740 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.3,61,395/- towards gratuity along with simple interest @ 10 percent per annum from 06.04.2015 till 07.07.2018 and a compound interest of 15 percent from 08.07.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 30.05.2018 in G.A.No. 39 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6742 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs. 3,19,767/- towards gratuity along with simple interest @ 10 percent per annum from 06.10.2015 till 07.07.2018 and a compound interest of 15 percent from 08.07.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 30.05.2018 in G.A.No. 40 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6744 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs. 3,23,336/- towards gratuity along with simple interest @ 10 percent per annum from 02.08.2016 till 07.07.2018 and a compound interest of 15 percent from 08.07.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 30.05.2018 in G.A.No. 41 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6763 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,29,287/- towards gratuity along with simple interest at 10 percentage per annum from 11.10.2015 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.16 of 2018 issued by the controlling Authority cum Labour officer

WP No.6765 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,23,652/- towards gratuity along with simple interest at 10 percentage per annum from 23.03.2014 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.17 of 2018 issued by the controlling Authority cum Labour officer

WP No.6770 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.4,77,527/- towards gratuity along with simple interest at 10 percentage per annum from 03.05.2014 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.18 of 2018 issued by the controlling Authority cum Labour officer

WP No.6771 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.3,56,538/- towards gratuity along with simple interest at 10 percentage per annum from 9.3.2014 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.19 of 2018 issued by the controlling Authority cum Labour officer

WP No.6776 of 2019

direct the 2nd and 3rd Respondent to recover a sum of Rs.2,59,307/- towards gratuity along with simple interest at 10 percentage per annum from 11.12.2014 till 17.07.2018 and a compound interest of 15 percentage from 18.7.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in certificate of Recovery dated 1.12.2018 r/w order dated 7.6.2018 in G.A.No.20 of 2018 issued by the controlling Authority cum Labour officer

WP No.6793 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs. 4,77,526/- towards gratuity along with simple interest @ 10 percent per annum from 16.10.2016 till 06.01.2018 and a compound interest of 15 percent from 07.01.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 22.11.2017 in G.A.No. 23 of 2017 issued by the Controlling Authority cum Labour Officer.

WP No.6798 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs. 2,86,522/- towards gratuity along with simple interest @ 10 percent per annum from 14.02.2014 till 07.07.2018 and a compound interest of 15 percent from 08.07.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 30.05.2018 in G.A.No. 33 of 2018 issued by the Controlling Authority cum Labour Officer.

WP No.6802 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs. 3,19,909/- towards gratuity along with simple interest @ 10 percent per annum from 23.10.2016 till 07.07.2018 and a compound interest of 15 percent from 08.07.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 30.05.2018 in G.A.No. 34 of 2018 issued by the Controlling Authority cum Labour Officer.

WP No.6805 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs. 2,83,718/- towards gratuity along with simple interest @ 10 percent per annum from 17.12.2014 till 07.07.2018 and a compound interest of 15 percent from 08.07.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 30.05.2018 in G.A.No. 35 of 2018 issued by the Controlling Authority cum Labour Officer.

WP No.6806 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs. 3,50,607/- towards gratuity along with simple interest @ 10 percent per annum from 06.04.2015 till 07.07.2018 and a compound interest of 15 percent from 08.07.2018 till the date of payment of the Gratuity from the 1st Respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/ w order dated 30.05.2018 in G.A.No. 36 of 2018 issued by the Controlling Authority cum Labour Officer.

WP No.6853 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.2,65,622/- towards gratuity along with simple interest at 10 percentage per annum from 14.01.2016 till 19.07.2018 and a compound interest of 15 percentage from 20.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A.No.88 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6854 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.3,70,704/- towards gratuity along with simple interest at 10 percentage per annum from 01.01.2014 till 21.07.2018 and a compound interest of 15 percentage from 22.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A.No.93 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6856 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.3,73,164/- towards gratuity along with simple interest at 10 percentage per annum from 01.03.2014 till 21.07.2018 and a compound interest of 15 percentage from 22.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A.No.94 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6859 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.3,88,905/- towards gratuity along with simple interest at 10 percentage per annum from 14.03.2016 till 21.07.2018 and a compound interest of 15 percentage from 22.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A.No.95 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6865 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.3,51,427/- towards gratuity along with simple interest at 10 percentage per annum from 14.07.2015 till 21.07.2018 and a compound interest of 15 percentage from 22.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A.No.96 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6867 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.2,91,360/- towards gratuity along with simple interest at 10 percentage per annum from 10.03.2015 till 21.07.2018 and a compound interest of 15 percentage from 22.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A.No.97 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6868 of 2019

Direct the 2nd and 3rd respondent to recover a sum of Rs.3,75,600/- towards gratuity along with simple interest at 10 percentage per annum from 29.04.2016 till 21.07.2018 and a compound interest of 15 percentage from 22.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A.No.100 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6914 of 2019

direct the 2nd and 3rd respondent to recover a sum of Rs.2,96,704/- towards gratuity alongwith simple interest at 10 percentage per annum from 09.06.2016 till 07.07.2018 and a compound interest of 15 percentage from 08.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 30.05.2018 in G.A. No.42 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6928 of 2019

direct the 2nd and 3rd respondent to recover a sum of Rs.2,82,432/- towards gratuity along with simple interest at 10 percentage per annum from 22.10.2014 till 07.07.2018 and a compound interest of 15 percentage from 08.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 30.05.2018 in G.A. No.43 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6929 of 2019

direct the 2nd and 3rd respondent to recover a sum of Rs.3,39,427/- towards gratuity along with simple interest at 10 percentage per annum from 16.05.2015 till 19.07.2018 and a compound interest of 15 percentage from 20.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A. No.50 of 2018 issued by the Controlling Authority cum Labour Officer

WP No.6931 of 2019

direct the 2nd and 3rd respondent to recover a sum of Rs.3,01,860/- towards gratuity along with simple interest at 10 percentage per annum from 04.10.2014 till 17.01.2017 and a compound interest of 15 percentage from 18.01.2017 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 16.12.2016 in G.A. No.72 of 2015 issued by the Controlling Authority cum Labour Officer

WP No.6932 of 2019

direct the 2nd and 3rd respondent to recover a sum of Rs.3,22,733/- towards gratuity along with simple interest at 10 percentage per annum from 02.12.2016 till 19.07.2018 and a compound interest of 15 percentage from 20.07.2018 till the date of payment of the Gratuity from the 1st respondent as stipulated in Certificate of Recovery dated 01.12.2018 r/w order dated 14.06.2018 in G.A. No.87 of 2018 issued by the Controlling Authority cum Labour Officer.

For Petitioner : Ms.D.Nagasaila (in all WPs)

For Respondents: Ms.N.Mala,
(for first respondent)
Mr.A.V.Ramalingam, AGP
(for second & third respondents)
(in all WPs)

ORDER

These Writ Petitions are filed to direct the respondents 2 and 3 to recover the gratuity amount along with interest as per the certificate of recovery issued by the authority competent, based on the order passed in Gratuity Appeal by Controlling Authority cum Labour Officer.

2. These writ petitioners were the employees of the first respondent Sri Bharathi Mills, which is a Government of Puducherry undertaking. On account of the fact that the gratuity dues to the employees are not settled, the employees were constrained to approach the Controlling Authority under the Gratuity Act and after adjudication the Controlling Authority passed an order directing the Government to settle the gratuity dues to all these workmen along with interest. Consequently, the District Collector issued a certificate of recovery so as to recover the amount from the Government and pay the same to the workmen.

3. The learned counsel appearing on behalf of the respondents 2 & 3 made a submission that the Mill is not running profitably and suffering financial losses. The Mill is not in a position to settle the entire dues immediately on account of the financial crisis.

4. Under these circumstances, the District Collector filed an affidavit dated 08.11.2019 stating that the first respondent in reply dated 19.04.2019 has stated that the non-payment of gratuity amount to ex-employees are due to paucity of funds and further the Mill was continuously incurring loss from the date of takeover from NTC by the Government of Puducherry. Further, several other reasons such as higher wage contribution, low work load, old machinery conditions, low productivity were also stated for the non-payment of gratuity amount. The first respondent also stated that the Government of Puducherry is taking steps to give one time settlement as per the recommendations of the one man Committee and requested to give further time for settling the Gratuity amount payable to all these petitioners.

5. The learned counsel appearing on behalf of the respondents 2 & 3 further contended that regarding the payment of gratuity dues, a scheme will be formulated by them to settle the amount proportionately and by following terms and conditions to be stipulated in the scheme. It is made clear that the settlements to be made equally and without causing any discrimination amongst the eligible employees. The Authorities must be cautious while implementing the same and should ensure that the employees are treated equally and there should not be

any discrimination in the matter of settlement of gratuity dues to these employees.

6. Under these circumstances, the respondents are directed to formulate a scheme for the settlement of the gratuity dues as per the orders of the Controlling Authority under the Payment of Gratuity Act, 1972 and accordingly, settle the amount as expeditiously as possible and within a period of 6 months from the date of receipt of copy of this Order.

6. Accordingly, the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Managing Director,
M/s. Sri Bharathi Mills,
(A Govt. of Puducherry Undertaking),
Mudaliarpeta, Puducherry.
2. The District Collector,
I - Floor, New Revenue Complex,
Vazhudavoor Road, Pettaiyanchathiram,
Puducherry - 605 009.
3. Tahsildar, Taluk Office,
100, Feet Road, Mudaliarpeta,
Puducherry - 605 004.

+1cc to Mr.D.Nagasaila, Advocate, S.R.No. 93629

+1cc to Public Prosecutor, Advocate, S.R.No. 93697

W.P.Nos. 6735, 3612, 5455, 5458, 5463, 5465, 5467, 5470,
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