

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12375 of 2019

K.Nagamalai

...Petitioner

vs.

1. The District Collector
Salem District
Salem-636 001.
2. The Tahsildar,
District Collectorate Compound
Salem-636 001.
3. The Managing Director,
Tamil Nadu State Transport,
Corporation (Salem) Ltd.,
12, Ramakrishna Salai
Salem-636 007.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to recover a sum of Rs.1,97,377/- being the arrears of gratuity and interest from the 3rd respondent under revenue recovery proceeding as per the Certificate dated 28.03.2019 issued under Section 8 of Payment of Gratuity Act by the Assistant Commissioner of Labour, Salem.

For Petitioner : A.Nagarathinam

For Respondents : Mr.M.Elumalai
Government Advocate for R1 & R2.
M/s.C.P.Senthil Sujatha
for M/s.Rajini Ramadoss for R3.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 and 2 to recover a sum of Rs.1,97,377/- being the arrears of gratuity and interest from the 3rd respondent under revenue recovery proceeding as per the Certificate dated 28.03.2019 issued under Section 8 of Payment of Gratuity Act by the Assistant Commissioner of Labour, Salem.

2. The writ petitioner entered the service of the respondent Transport Corporation on 01.04.1982 and was promoted as Senior Checking Inspector on 03.09.2012 and further promoted as Traffic Inspector on 10.04.2015 and retired from service on 31.07.2015 on attaining the age of superannuation. He filed an application before the Controlling Authority under the Payment of Gratuity Act for settlement of the gratuity amount. The Assistant Commissioner of Labour passed an order in P.G.No.77 of 2016 dated 24.03.2017, directing the 3rd respondent to pay a sum of Rs.8,38,538/- towards the payment of gratuity along with interest at the rate of 10% per annum from the date of retirement till the date of realization. The third respondent had already paid a sum of Rs.7,33,772/- on 16.05.2017, towards the amount of Gratuity and a sum of Rs.84,384/- on 16.08.2018 towards the interest at the rate of 6% per annum. Thus, the respondent Corporation is liable to pay the arrears of gratuity of Rs.1,04,766/- with interest amount of Rs.39,287/- at the rate of 10% per annum from the date of retirement till the date of realization, totally a sum of Rs.1,44,053/- and a certificate was also issued in this regard. The petitioner has also made an application to the District Collector to clear further recovery proceedings under Revenue Recovery Act. Under these circumstances, the writ petitioner is constrained to move the present writ petition.

3. The learned counsel appearing on behalf of the third respondent/Tamil Nadu State Transport Corporation (Salem) Limited made a submission that the third respondent is ready and willing to settle the arrears of gratuity amount in favour of the petitioner within a period of three weeks from the date of receipt of a copy of this order.

4. In view of the undertaking given by the learned counsel for the third respondent, this Court is of the opinion that no further direction is required to be given to the first respondent to initiate action under the provision of the Revenue Recovery Act. Accordingly, the third respondent is directed to settle the arrears of gratuity amount in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this Order.

5. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

ssb
To

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+1 CC to Mr.A. Nagarathinam, Advocate sr 78802
+1 CC to Mr.S.Rajeni Ramadoss, Advocate sr 78814
+1 Cc to Govt. Pleader sr 78950.

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BR(CO)
SP(23/10/2019)