

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.30021 of 2019

M.Balakrishnan

.. Petitioner

Vs.

- 1.The District Collector,
Salem District, Salem- 636 001.
- 2.The Tahsildar,
Salem Taluk, Salem - 636 001.
- 3.The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Limited,
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, directing the Respondents 1 and 2 recover a sum of Rs.4,07,867/- being the arrears of gratuity and interest, from the 3rd Respondent under revenue recovery proceeding as per the Certificate dated 30.09.2019 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act.

For Petitioner : Mr.A.Nagarathinam
For RR1 & 2 : Mr.R.S.Selvam
Government Advocate
For R3 : Ms.S.Rajeni Ramadass

O R D E R

This Writ Petition is filed for a Writ of Mandamus, directing the respondents 1 and 2 recover a sum of Rs.4,07,867/- being the arrears of gratuity and interest, from the third respondent under revenue recovery proceeding as per the Certificate dated 30.09.2019 issued by the Assistant Commissioner of Labour, Salem under Section 8 of Payment of Gratuity Act.

2. The case of the petitioner is that the petitioner entered the service as Conductor in the respondent Corporation and he was promoted as Senior Conductor in Erumapalayam Branch - 1 and he retired from service on attaining the age of superannuation on 30.09.2014. He filed an application before the Controlling Authority, the Assistant Commissioner of Labour for a direction directing the third respondent to pay a sum of Rs.2,74,967/-. On 16.04.2018, the Assistant Commissioner of Labour passed an order in P.G.No.558/2017 directing the third respondent to pay a sum of Rs.2,74,967/- towards payment of gratuity along with interest at the rate of 10% per annum from the date of retirement till the date of realization. On 30.09.2019, the Assistant Commissioner of Labour issued a Certificate directing the first respondent to recover a sum of Rs.4,05,520/- towards the amount of gratuity and interest from the third respondent under Revenue Recovery Act. Since, no action was taken by the first respondent, the petitioner made a representation dated 03.10.2019 to the respondents 1 and 2 to recover the arrears of gratuity and remaining amount of interest from the third respondent. However, till date the representation dated 03.10.2019 was not considered by the respondents 1 and 2. Hence, the petitioner has come out with the present Writ Petition.

3. The learned counsel for the petitioner would submit that a certificate dated 30.09.2019 was issued by the Assistant Commissioner of Labour under Revenue Recovery Act to the first respondent to recover a sum of Rs.4,05,520/- towards the amount of gratuity and interest from the third respondent under Revenue Recovery Act. Therefore, the first respondent has to recover the amount from the third respondent and deposit the same before the Deputy Commissioner of Labour, Salem. However, till date the order dated 30.09.2019 has not been complied with. Hence, it would be suffice to issue direction to the first respondent to comply the order dated 30.09.2019 issued by the Assistant Commissioner of Labour, Salem.

4. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court hereby directs the first respondent to comply the order dated 30.09.2019 issued by the Assistant Commissioner of Labour, Salem, within a period of twelve weeks from the date of receipt of copy of this order, if there is no other legal impediment.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

krk
To

- 1.The District Collector,
Salem District, Salem - 636 001.
- 2.The Tahsildar,
Salem Taluk, Salem - 636 001.
- 3.The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Limited,
12, Ramakrishna Salai, Salem - 636 007.

Copy to:
The Assistant Commissioner of Labour, Salem

+1cc to Mr.A.Nagarathinam , Advocate SR.No. 90828
+1 cc to Government Pleader Sr.No. 90677

W.P.No.30021 of 2019

A.SK(19/12/2019)

सत्यमेव जयते
WEB COPY