

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P.No.30049 of 2018
and
W.M.P.No.35064 of 2018

1. V.Jagadeesan
2. P.Sandirasagarin
3. J.Radhakrishnan
4. B.Janarthanan
5. S.Govindasamy
6. C.Munisamy
7. P.Baby
8. S.Rajendran
9. P.Segar
- 10.G.Kamalakannan
- 11.J.Rajasegaran
- 12.S.Ravichandran

Vs.

... Petitioners

1. Union Territory of Puducherry,
Represented by the Chief Secretary,
Government of Puducherry,
Puducherry - 605 001.
2. The District Collector of Puducherry,
Government of Puducherry,
Saram, Puducherry - 605 013.
3. The Anglo French Textiles,
A Unit of Pondicherry Textiles Corporation Limited,
Represented by its Managing Director,
Mudaliarpur, Puducherry - 605 004.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the respondents to forthwith pay the amounts of gratuity due and payable to the petitioners together with interest at the rate of 10% per annum thereon from the respective dates of their retirement.

For Petitioners : Mr.V.Kamala Kumar

For Respondents : Mr.A.V.Ramalingam
Addl. Government Pleader for R1& 2
Mrs.N.Mala for R3

O R D E R

The petitioners have filed this Writ Petition for a direction to the respondents to forthwith pay the amount of gratuity due and payable to the petitioners together with interest at 10% thereon from the date of their retirement.

2. The facts leading to the filing of the Writ Petition is that the petitioners were working as Selection Grade Supervisors and Supervisor of the third respondent Anglo French Textiles Limited and retired from service, on superannuation and by opting for Voluntary Retirement Scheme. The third respondent was acquired by the Government of Puducherry with effect from 24.12.1985. As the gratuity amount due to the petitioners were not paid in time, the petitioners approached the Labour Officer (Enforcement), Puducherry, who is the Controlling Authority under the Payment of Gratuity Act, 1972 by filing P.G. cases. The controlling authority determined the gratuity payable to the petitioners and passed orders directing the third respondent to pay the same within a period of thirty days from the date of receipt of the order.

3. In similar writ petition filed by the co-employees of the petitioner, this Court, vide order dated 16.09.2014 in W.P.No.18277 of 2014 read with order dated 21.12.2015 made in Review Application No.107 of 2015, had directed the second respondent to sell the assets of the third respondent in public auction and disburse the gratuity amount to the employees. The third respondent, in compliance with the above order, paid the gratuity dues of those ten employees, who had preferred the aforesaid writ petition. The gratuity amount due to the petitioners along with interest, excluding the amounts already received are tabulated in the typed set of papers.

4. The petitioners also contend that this Court by order dated 16.09.2014 in W.P.No.18277 of 2014 read with the order dated 21.12.2015 in Review Application No.107 of 2015 in W.P.No.18277 of 2014, has directed the second respondent to sell the assets of the third respondent in public auction and disburse the gratuity amount to the employees. Hence, the petitioners seek a direction to the respondents for expediting the revenue recovery proceedings and settlement of gratuity dues.

5. Considering the facts and circumstances and in view of

the limited nature of the prayer, it is directed that the amount due to the petitioners shall be paid immediately after the sale of the property by the management, as directed by this Court, and in any event, within a period of four months from the date of receipt of a copy of this order.

6. The submission of the learned counsel for the petitioners that no contempt petition will be filed before the payment of the amount within a period of four months as stipulated above, is also placed on record.

7. It is represented by the learned counsel for the management that if the property is not sold, even by the Advocate Commissioner, who has been appointed by this Court in the connected writ petition in W.P.No.24642 of 2018, the management may be at liberty to seek for further extension of time, and the liberty is granted.

8. With the above directions, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

asi/avr

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary,
Union Territory of Puducherry,
Government of Puducherry,
Puducherry - 605 001.
2. The District Collector of Puducherry,
Government of Puducherry,
Saram, Puducherry - 605 013.

+12CCs to Mr.V.Kamala Kumar, Advocate, S.R.No.702

+1cc to the Government Pleader, Puducherry, S.R.No.577

W.P.No.30049 of 2018
and
W.M.P.No.35064 of 2018

SPD(CO)
KAK(07/02/2019)