



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.[MD]No.1044 of 2019

and

C.M.P.[MD]No.9526 of 2019

and

WP(MD)No.24173 of 2018

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The Executive Officer,
Arulmigu Nachiyar (Andal) Thirukkivil,
Srivilliputhur,
Virudhunagar District.

: Appellant/3rd Respondent

Vs.

1.T.Thangam

: 1st Respondent/Writ Petitioner

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Controlling Authority,
Under Payment of Gratuity Act/
Deputy Commissioner of
Labour Bharathi Ula Road,
K.Pudur, Madurai - 8.

: Respondents 2&3/
1&2 Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 07.12.2018 made in W.P.[MD] No.24173 of 2018 on the file of this Court and allow the Writ Appeal.

Prayer in WP(MD). 24173/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents particularly the 1st respondent to proceed under section 3(1) of the Revenue Recovery Act as against the 3rd respondent to collect gratuity amount for a sum of Rs.2,72,830/- with interest at the rate of 15% from 01.07.2011 till the date of payment as per proceedings of the 2nd respondent in Aa6/3427/2017 dated 27.06.2017 and disburse the amount to the petitioner.



For Appellant : Mr.P.Mahendran
For Respondent No.1 : Mr.S.Venkatesh
For Respondents 2&3 : Mr.A.K.Baskara Pandian
Special Government Pleader

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JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

We have heard Mr.P.Mahendran, learned counsel appearing for the appellant, Mr.S.Venkatesh learned counsel appearing for the first respondent and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the second and third respondents.

2.The first respondent / writ petitioner approached the writ court by filing a Writ Petition in W.P.[MD]No.24173 of 2018, for directing the District Collector, Virudhunagar District, to initiate revenue recovery proceedings against the appellant temple for recovery of gratuity payable to the first respondent, as computed by the Controlling Authority, under the Payment of Gratuity Act, Madurai, vide order dated 27.06.2017, together with interest at 15% p.a.

3.Admittedly, when the writ petition was filed, the appellant temple though presented the appeal before the appellate authority, under the Payment of Gratuity Act, the mandatory pre-deposit of the entire gratuity amount computed was not made. Therefore, the appellate authority obviously cannot take up the appeal for consideration. Taking note of these facts, the learned Writ Court had directed the District Collector to initiate further action pursuant to the computation done by the controlling authority.

4.The learned counsel for the appellant submitted that as of now, the entire gratuity amount, as computed, together with interest, has been deposited before the third respondent viz. The Controlling Authority, Madurai.

5.In the light of the same, we dispose of this Writ Appeal, giving liberty to the petitioner temple to pursue their appeal, which is now pending before the appellate authority, which shall be decided in accordance with law. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Controlling Authority,
Under Payment of Gratuity Act/
Deputy Commissioner of Labour Bharathi Ula Road,
K.Pudur, Madurai - 8.

+1 CC to Mr.P.MAHENDRAN, Advocate (SR-92985[F] dated 18/10/2019)

Judgment made in
W.A. [MD]No.1044 of 2019
Dated: **16.10.2019**

MK (03.12.2019) 3P 4C