



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD) .No.1020 of 2019

and

CMP(MD)No.9355 of 2019

The Executive Officer,
Arulmighu Nachiyar (Andal) Thirukkivil,
Srivilliputhur,
Virudhunagar District. ... Appellant/3rd Respondent

Vs.

1.S.B.Paneerchelvan, ...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. ... Respondents 2 and 3/1st and 2nd Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.22174 of 2018, dated 14.11.2018.

Prayer in WP(MD) . 22174/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the respondents particularly the 1st respondent to proceed under the Revenue Recovery Act as against the 3rd respondent to collect gratuity amount of Rs.2,84,225/- with interest at the rate of 15% from 01.05.2012 till the date of payment as per proceedings of the 2nd respondent in Aa6/2422/2017 dated 28.08.2017 and disburse the amount to the petitioner within time stipulated by this Court.



For Appellant : Mr.P.Mahendran
For Respondent-1 : Mr.S.Venkatesh

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JUDGMENT

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

We have heard Mr.P.Mahendran, learned counsel appearing for the appellant and Mr.S.Venkatesh learned counsel for R1.

2. The 1st respondent / writ petitioner approached the writ court by filing a Writ Petition in W.P.(MD)No.22174 of 2018, directing the District Collector, Virudhunagar District, to initiate revenue recovery proceedings against the appellant temple for recovery of gratuity payable to the 1st respondent, as computed by the Controlling Authority, under the Payment of Gratuity Act, Madurai, vide order dated 28.08.2017, together with interest at 10% 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 predeposit 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.

3. 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 3rd respondent viz. The Controlling Authority, Madurai.

4. 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. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)



To

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.

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