

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.18626 of 2020

N.Ganesan

...Petitioner

-Vs-

- 1.The Controlling Authority under the Payment of Gratuity Act, Assistant Commissioner of Labour-I, (re-designated as Deputy Commissioner of Labour-I), D.M.S.Compound, Teynampet Chennai 600 006.
 - 2.The District Collector, Collectorate Chennai District, Chennai.
 - 3.The Managing Director / General Manager (Corporate), Metropolitan Transport Corporation Pallavan Illam, No.1, Pallavan Salai, Chennai 600 002.
- ...Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the Respondents 1 and 2 to take appropriate proceedings against the 3rd respondent Management to recover the amount payable under P.G.No.72 of 2015 as per proceedings of the 1st respondent passed in Na.Ka.No.D/0323/2020 dated 10.03.2020 within the time frame as fixed by this Honourable Court.

For Petitioners :Mr.T.Ramkumar
For Respondents :Mr.S.Thangavel,
Special Government Pleader

O R D E R

The prayer sought for herein is to direct the respondents 1 and 2 to take appropriate proceedings against the 3rd respondent Management to recover the amount payable under P.G.No.72 of 2015 as per proceedings of the 1st respondent passed in Na.Ka.No.D/0323/2020 dated 10.03.2020 within the time frame as fixed by this Honourable Court.

2. The case of the petitioner is that he was employed in the third respondent Transport Corporation. He joined service

on 03.05.1980 and after completing 32 years of service, he retired on 30.06.2012. At the time of his retirement, his last drawn salary was Rs.20,439.40 ps. As per the Payment of Gratuity Act, he was entitled for a sum of Rs.3,18,825/- as gratuity. However, the third respondent had paid him only Rs.1,62,550/- as gratuity. Hence, the petitioner filed an application in P.G.No.72 of 2015 before the 1st respondent / Controlling Authority, which was allowed on 07.04.2017, determining the difference amount of gratuity payable to the petitioner at Rs.1,56,145/-. The third respondent did not prefer any appeal against the said order and the order passed by the Controlling Authority became final. Since no action was taken by the third respondent to pay the amount as ordered by the first respondent / Controlling Authority, the petitioner approached the first respondent again for taking steps to recover the amount due to him. Thereafter, the first respondent issued a show cause notice dated 10.03.2020 directing the third respondent / Transport Corporation to settle the gratuity dues as per the order passed in P.G.No.72 of 2015. However, till date the third respondent has not taken any steps to settle the amount. Hence, the petitioner has approached this Court by filing this writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner would submit that it would be suffice if this Court issues directions to the first and second respondents to take appropriate action against the third respondent Management to recover the amount payable under P.G.No.72 of 2015 as per the proceedings of the 1st respondent passed in Na.Ka.No./0323/2020 dated 10.03.2020 within a time frame to be stipulated by this Court.

4. Considering the facts and circumstances of the case, without going into the merits of the matter, this writ petition is disposed of with a direction to the first and second respondents to conclude the proceedings in Na.Ka.No./0323/2020 dated 10.03.2020 and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the third respondent.

5. With the above directions, the above writ petitions are disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Deputy Commissioner
of Labour-I)
Controlling Authority under the
Payment of Gratuity Act, Assistant Commissioner
of Labour-I,D.M.S.Compound, Teynampet
Chennai 600 006.

2.The District Collector, Collectorate
Chennai District, Chennai.

3.The Managing Director / General Manager
(Corporate), Metropolitan Transport Corporation
No.1, Pallavan Salai, Chennai 600 002.

+1 CC to Mr.T.Ramkumar, Advocate sr 41337
+1 CC to The Government Advocate sr 41110.

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SSI (CO)
SP(07/01/2021)



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