

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34095 of 2019

Jamuna

... Petitioner

-vs-

1. The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Salem - 1.
2. The District Collector,
Krishnagiri,
Krishnagiri District.
3. The Correspondent,
Parimalam Matric Higher Secondary School,
Dinnur, Mathigiri Post,
Hosur Taluk,
Krishnagiri District 635 110. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Second Respondent to realize Rs.1,79,795/- together with interest at the rate of 15% p.a. as per the order of the First Respondent dated 16.04.2018 as per Section 8 of the Payment of Gratuity Act, 1972 and pay the said amount to the Petitioner within a stipulated time.

For Petitioner : Ms. P.Srividhya

For Respondents: Mr. D.Sathyaraj,

Special Government Pleader (For R1 & R2)

Mr. N.R.R.Arun Natarajan (for R3)

O R D E R

(through video conference)

Heard Ms. P.Srividhya, Learned Counsel for the Petitioner, Mr. D.Sathyaraj, Learned Special Government Pleader for the First and Second Respondents and Mr. N.R.R.Arun Natarajan, Learned Counsel for the Third Respondent, perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by an order dated 16.04.2018 in P.G. No. 42 of 2018 had granted the claim for gratuity made against the Third Respondent by the Petitioner under Section 7(4) of the Payment of Gratuity Act, 1972 (hereinafter referred to as the Act' for short). Since the Third Respondent had failed to pay the determined the amount of gratuity, the Petitioner was constrained to resort to the procedure prescribed under Section 8 of the Act for its recovery as arrears of land revenue. In furtherance thereto, the First Respondent by Order No. B4/4780/2018 dated 11.10.2018 required the Second Respondent to recover the amount due from the Third Respondent. However, as no action was taken thereon, the Petitioner has filed this Writ Petition for directing the Second Respondent to realize the amount due from the Third Respondent and pay the same to the Petitioner within a stipulated period. This Court by an order dated 15.07.2020 required the Second Respondent to file a report on the action taken on the Order No. B4/4780/2018 dated 11.10.2018 sent by the First Respondent.

3. It has been brought to the notice of this Court by the Learned Special Government Pleader appearing for the First and Second Respondents that a sum of Rs.1,74,475/- on 27.07.2020 and another sum of Rs.62,855/- on 05.08.2020 aggregating to Rs.2,37,330/- has been paid by the Third Respondent to the Petitioner, who has acknowledged receipt of the same in full and final settlement of the claim for the gratuity made. Learned Counsel for the Petitioner has filed a memo to that effect, which is placed on record.

4. Though the Third Respondent refused to receive notices sent by this Court in the Writ Petition, she has now entered appearance through Learned Counsel, Mr. N.R.R.Arun Natarajan. It is represented by Learned Counsel for the Third Respondent at this advanced stage, that the Petitioner had worked in two educational institutions, viz., Parimalam Matriculation School, Hosur from 01.06.2000 till 31.05.2012, and Parimalam Matriculation Higher Secondary School, Mathigiri Post, Hosur from 01.06.2012 to 05.04.2017, which is the Third Respondent, but has prosecuted the claim for gratuity only against the Third Respondent portraying as if she worked for entire period only there and seeks permission of this Court to proceed against the Management of Parimalam Matriculation Higher Secondary School, Hosur, for reimbursement by way of contribution for the amount paid by the Third Respondent to the Petitioner towards gratuity for the period that she had worked in the other school. Having regard to the aforesaid submissions made, it is made clear that the Third Respondent is not precluded from working out her remedy against the Management of the Parimalam Matriculation School, Hosur, through appropriate legal proceedings before the

proper forum in the manner recognized by law, and that no view has been expressed by this Court on the correctness or entitlement of the claim made by the Third Respondent in that regard.

Accordingly, the Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Salem - 1.
2. The District Collector,
Krishnagiri,
Krishnagiri District.

RV (CO)
RMP (02/09/2020)

W.P. No. 34095 of 2019

सत्यमेव जयते

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