



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.10.2020**

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.14879 of 2020

K.Ramalingam

...Petitioner

Vs

1.The District Collector,
Karur District,
Karur.

2.The Deputy Commissioner of Labour /
Controlling Authority under the
payment of Gratuity Act,
Dindigul.

3.Thanthoni Agro Engineering Service Cooperative
Centre Limited,
represented by its Liquidator /
Senior Agricultural Officer,
Soil Testing Lab, Thillai Nagar,
Rayanoor,
Thanthonimalai Post,
Karur - 639 005.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to recover the petitioner's gratuity amount with interest from the 3rd respondent as per the order dated 08.08.2019 passed by the 2nd respondent in Na.Ka.No.Aa6/1443/2019 and deposit the same on the file of the 2nd respondent within a time frame fixed by this Court.

For Petitioner : Mr.M.Saravanan

For Respondents: Mr.N.Shanmugaselvan

Additional Government Pleader

ORDER

This Writ Petition is filed to direct the 1st respondent to recover the petitioner's gratuity amount with interest from the 3rd respondent, as per the order dated 08.08.2019 passed by the 2nd respondent in Na.Ka.No.Aa6/1443/2019 and deposit the same to the credit of the 2nd respondent.



2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working as Superintendent in the 3rd respondent office and at the time of retiring his job, ie., on 10.07.2010, he was drawing the salary of Rs. 22,301/-. He would further submit that though the petitioner is entitled for getting a sum of Rs.3,60,247/- towards gratuity along with interest, the 3rd respondent has not come forward to pay the said amount to the petitioner and that the petitioner has filed P.G.No.6 of 2018 before the 2nd respondent seeking to disburse the said gratuity amount.

4.The learned counsel would further submit that though the 2nd respondent, by order dated 23.11.2018, has allowed the said petition, the 3rd respondent has not paid the said amount to the petitioner, for which, the 2nd respondent, vide proceedings dated 08.08.2019 in Na.Ka.No.Aa6/1443/2019, issued the certificate under Section 8 of the Payment Gratuity Act, directing the 1st respondent to recover the said amount from the 3rd respondent under the provisions of Revenue Recovery Act. However, no steps have been taken by the 1st respondent to recover the said amount from the 3rd respondent. In this regard, though the petitioner has made representations dated 28.08.2019, 09.09.2019 and 10.08.2020 before the 1st respondent, requesting him to recover the gratuity amount from the 3rd respondent payable to him, so far no action has been taken. Hence, the present writ petition.

5.Mr.N.Shanmugaselvan, learned learned Additional Government Pleader appearing for the respondents would fairly submit that the 3rd respondent is a liquidator and the petitioner is entitled to get the gratuity amount only on the basis of the pro-rata. He would further submit that the petitioner's representation dated 28.08.2019, 09.09.2019 and 10.08.2020, will be disposed of within a period of four weeks.

6.Admittedly, the 3rd respondent is a liquidator and the 1st respondent has not considered the petitioner's request till date, since the 2nd respondent issued the certificate under Section 8 of the Payment Gratuity Act, directing him to recover the gratuity amount payable to the petitioner from the 3rd respondent. Thus, this Court directs the 1st respondent to consider the petitioner's representations dated 28.08.2019, 09.09.2019 and 10.08.2020 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, without making any further delay in its decision making process.



7. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
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+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-20742[F] dated
29/10/2020)

W.P. (MD) No.14879 of 2020

29.10.2020

SSS (CO)

NR (19/11/2020) 3P : 5C