



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.11.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.15577 of 2020

N.Rajagopalan

... Petitioner

vs.

1.The District Collector,
Thanjavur District.

2.The Assistant Commissioner of Labour,
Joint Commissioner of Labour Office,
Trichy-20.

3.The Thanjavur Prathabasimhapuram
Co-operative Housing Society Ltd.,
604, MIG KURINJI,
New Housing Unit,
Thanjavur-613 005.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 & 2 to settle/recover the petitioner gratuity amount payable as per the order of the Controlling Authority, dated 24.08.2012, within the stipulated time.

For Petitioner : Mr.T.A.Ebenezer

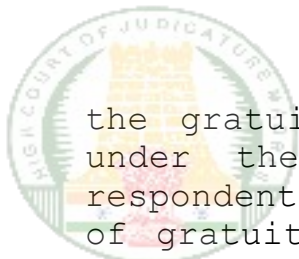
For Respondents : Mr.S.Bhagavathi
Government Advocate

ORDER

The Writ Petition is filed seeking a direction to the respondents 1 & 2 to settle/recover the petitioner's gratuity amount payable to him, as per the order of the Controlling Authority, dated 24.08.2012, within the time limit as fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate, who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he was working in the third respondent Society from 12.03.1980. Though the petitioner was retired from service on 31.10.2005, he was not sanctioned with



the gratuity amount. Therefore, the petitioner filed a petition under the Payment of Gratuity Act, 1972 before the second respondent/Controlling Authority, Tiruchirappalli for the payment of gratuity amount and in that petition, an award was passed by the Controlling Authority, Tiruchirapalli in P.G.C.No.05 of 20019, dated 24.08.2012 to remit a sum of Rs.2,35,740/- with an interest of 10% from 01.11.2005 to till the payment, within 30 days to the petitioner. However, the third respondent did not comply with the order passed by the second respondent, dated 24.08.2012 and hence, he made a representation on 16.08.2013. Since the same has not been considered so far, the present Writ Petition is filed before this Court.

4. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner would be considered on merits and in accordance with law within a time frame as fixed by this Court.

5. Considering the nature of the relief as sought for by the petitioner, without going into the merits of the case, the respondents 1 & 2 are directed to consider the representation of the petitioner dated 16.08.2013, in the light of the order passed by the second respondent dated 24.08.2012 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

am/mm

To

1.The District Collector,
Thanjavur District.



2.The Assistant Commissioner of Labour,
Joint Commissioner of Labour Office,
Trichy-20.

3.The Thanjavur Prathabasimhapuram
Co-operative Housing Society Ltd.,
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+1 CC to SGP (SR-21891[F] dated 11/11/2020)

W.P (MD) No.15577 of 2020
10.11.2020

NA (CO)
KM (24.11.2020) 3P 5C