



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. [MD]No.16865 of 2020

S.Meenakshisundar

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Authority under Payment of Gratuity Act,
Office of Deputy Commissioner of Labour,
K.Pudur,
Madurai.

3.The Managing Director,
Sri Jeyavilas Subburaj Spinning Mills (P) Ltd.,
Tamilpaadi Anjal,
Tiruchuli Taluk,
Virudhunagar District.

... Respondents

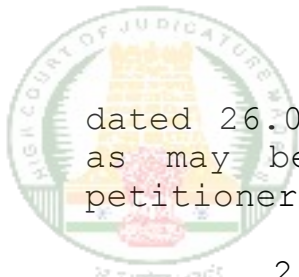
PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to recover from the third respondent, as per the recovery certificate, dated 28.09.2020 issued by the second respondent for Rs.2,68,702/- together with 10% compound interest from 09.11.2017 as computed the second respondent in his order, dated 26.08.2019 in P.G. Case No.80/2018 within a period of time as may be fixed by this Court and to pay the same to the petitioner.

For Petitioner : Mr.K.K.Samy

For R-1 : Mr.K.P.Narayanakumar
Special Government Pleader

O R D E R

This writ petition has been filed to direct the first respondent to recover the amount from the third respondent, as per the recovery certificate, dated 28.09.2020 issued by the second respondent for Rs.2,68,702/- together with 10% compound interest from 09.11.2017 as computed the second respondent in his order,



dated 26.08.2019 in P.G. Case No.80/2018 within a period of time as may be fixed by this Court and to pay the same to the petitioner.

2.The learned counsel appearing for the petitioner would submit that the second respondent has issued necessary certificate to recover the gratuity amount on 28.09.2020. The petitioner was resigned from service on 09.11.2017. Though three years was lapsed, the third respondent has not settled the gratuity amount. Hence, the petitioner approached the second respondent and the second respondent has passed an order initially on 27.07.2020 against the third respondent to settle the gratuity amount of Rs.2,68,702/- along with interest. Since the third respondent has not paid the said amount, the second respondent has passed another order dated 26.08.2019, directing the first respondent to initiate the recovery against the third respondent under the Revenue Recovery Act. However, the first respondent has not taken any steps till date. Hence, the petitioner approaches this Court by way of writ petition for appropriate orders.

3.The learned Special Government Pleader appearing for the first respondent would submit that it is not known whether the third respondent has preferred any appeal or not. In such a case, the first respondent may not take any recovery proceedings. If the order of the second respondent has not been challenged, an appropriate order will be passed to initiate the recovery proceedings.

4.In view of the submissions made by the learned counsel appearing on either side, this Court directs the first respondent to initiate the recovery proceedings within a period of six weeks to recover a sum of Rs.2,68,702/-along with interest from the third respondent, as ordered by the second respondent, if no appeal is preferred by the third respondent against the order passed by the second respondent.

5.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /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,
Virudhunagar District,
Virudhunagar.

2.The Deputy Commissioner of Labour,
The Authority under Payment of Gratuity Act,
K.Pudur, Madurai.

+1 CC to Mr.K.K.SAMY, Advocate (SR-22835[F] dated 26/11/2020)

+1 CC to SGP (SR-23329[F] dated 30/11/2020)

W.P.[MD]No.16865 of 2020
26.11.2020

CK(CO)
KM (08.12.2020) 3P 5C