



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD).No.17029 of 2020

and

W.M.P (MD).No.14238 of 2020

WEB COPY

Kalyana Sundara Pandi

... Petitioner

-Vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Tirupparankundram Taluk,
Madurai District.

3.The Controlling Authority
Under the Payment of Gratuity Act/
The Deputy Commissioner of Labour,
The Joint Commissioner of Labour Office,
Madurai 625 002.
Madurai District.

4.The Deputy Commissioner,
Arulmigu Subramaniaswamy Thirukovil,
Tirupparankundram,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to recover a sum of Rs.7,56,295.00/- (Rupees Seven Lakhs Fifty Six Thousand Two Hundred and Ninety Five only) being the arrears of gratuity payable to the petitioner with subsequent interest at the rate of 10% per annum from the fourth respondent under the revenue recovery proceedings as per the certificate/communication dated 10.09.2020 made in Na.Ka.No.AA6/2244/2020 issued by the third respondent under Section 8 of the Payment of Gratuity Act within a time frame as stipulated by this Court forthwith.

For Petitioner
For Respondents

: Mr.S.Ranjith Kumar
: Mr.M.Jeyakumar
Additional Government Pleader
for R1 & R2
Mr.S.Manohar
for R4



ORDER

The writ petition has been filed for a Writ of Mandamus, to direct the respondents 1 and 2 to recover a sum of Rs.7,56,295.00/- (Rupees Seven Lakhs Fifty Six Thousand Two Hundred and Ninety Five only) being the arrears of gratuity payable to the petitioner with subsequent interest at the rate of 10% per annum from the fourth respondent under the revenue recovery proceedings as per the certificate/communication dated 10.09.2020 made in Na.Ka.No.AA6/2244/2020 issued by the third respondent under Section 8 of the Payment of Gratuity Act.

2.Heard Mr.S.Ranjith Kumar, learned counsel for the petitioner, Mr.M.Jeyakumar, learned Additional Government Pleader, who took notice on behalf of the respondents 1 and 2 and Mr.S.Manohar, learned counsel, who took notice on behalf of the fourth respondent.

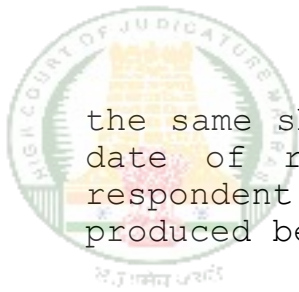
3.By consent, the writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner was an employee of the fourth respondent and on superannuation, he retired from service on 31.03.2019. Since the payment of gratuity was not paid to the petitioner, he approached the fourth respondent by way of representation for disbursing the same. But the fourth respondent has not responded the same. Hence, the petitioner filed an application before the third respondent and the said application was taken on file as P.G.No.254 of 2019 and after hearing the case elaborately, the third respondent passed an order directing the fourth respondent to disburse the gratuity amount with interest at the rate of 10% per annum. Since the fourth respondent did not take any steps, the third respondent issued revenue recovery proceedings vide order dated 10.09.2020 against the fourth respondent. Thereafter also, the petitioner approached the first and second respondent with regard to the issue, but no steps have been taken. Hence, the petitioner filed the present writ petition.

5.The learned Additional Government Pleader submitted that the recovery proceedings will take eight weeks to complete after initiation.

6.The learned counsel for the fourth respondent submitted that they preferred an appeal before the Additional Deputy Commissioner, Madurai and the same was returned.

7.In view of the aforesaid submissions, there is no stay for proceed with the recovery proceedings. Hence, this Court directs the first respondent to continue with the recovery proceedings and



the same shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Incase the fourth respondent filed any appeal and obtain any stay, the same can be produced before the first respondent for necessary action.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

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To

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The Deputy Commissioner of Labour,
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Madurai District.

+1 CC to Mr.S.MANO HAR, Advocate (SR-23412[F] dated 01/12/2020)

+1 CC to SPL GP (SR-23484[F] dated 01/12/2020)

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VB (18.12.2020) 3P 6C