



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.16333 of 2015

1.K.Lakshmanan
2.V.Palani
3.V.Subbaiah
4.R.George

... Petitioners

Vs.

1. The District Collector,
Dindigul District, Dindigul.

2. The Tashildar,
Nilakottai Taluk,
Dindigul District.

3. The Assistant Commissioner of Labour,
Office of Deputy Commissioner of Labour,
Dindigul, Dindigul District.

4. The President,
Village Panchayat,
Silukuvarpatti Panchayat,
Nilakottai Union,
Dindigul District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to implement the order passed by the 3rd respondent herein in his proceedings in Na Ka No.A6/1641/2013 dated 21.01.2015 to recover the amount from the 4th respondent due to be paid to the petitioners as per the award passed in P.G.Nos.2,3,4,5 of 2008 by the 3rd respondent dated 31.01.2008 within a specific time as stipulated by this Court.

For Petitioner	: Mr.D.Selvaraj
For R1 to R3	: Mr.P.Mahendran Additional Government Pleader
For R4	: Mr.R.M.Makesh Kumaravel

**ORDER**

The learned Government Advocate through Thiru.M.Banulakshmi, Deputy Tashildar, Nilakottai, Dindigul, submitted the original files. The running file No.435 reveals that the second respondent/Tashildar addressed a letter to the first respondent/District Collector, Dindigul, through Revenue Divisional Officer, dated 31.08.2018 for recovery of gratuity amount from the fourth respondent/Silukuvarpatti Panchayat. However, there is no action subsequently.

2.Inaction of the Tashildar to initiate further action to recover the gratuity amount cannot be compromised. The authorities mere corresponding a letter is insufficient. They are bound to ensure that the gratuity amount are settled to the workmen concerned, pursuant to the order passed by the Assistant Commissioner of Labour under the Payment of Gratuity Act. The poor employee after serving for many years are not paid gratuity amount. The Tashildar should think that if the gratuity amount is not paid to him what would be his mind-set and in respect of other employees are concerned, they are not even taking minimum care to follow up the letter and to collect the amount form the Panchayat, as the Assistant Commissioner of Labour under the Payment of Gratuity Act.

3.Under these circumstances, the District Collector is bound to initiate action against all the officials, who all are responsible and accountable for settlement of gratuity amount, pursuant to the order passed by the Assistant Commissioner of Labour. If at all the order passed under the Payment of Gratuity Act is unacceptable to the District Collector or Tashildar, they are bound to prefer an appeal within the time limit stipulated. Once the order became final, they have no option except to recover the amount from the workmen concerned.

4.In the present case, no appeal has been filed and numbered. Under these circumstances, the respondents are bound to settle the amount by recovering the same from the Panchayat concerned.

5.The matter is pending for the past more than 5 years and the Assistant Commissioner of Labour passed an award under the Payment of Gratuity Act, on 31.01.2008 and the poor workmen are suffering for the past 12 years to get the amount. Under these circumstances, the first respondent/District Collector is directed to conduct an enquiry and initiate appropriate action against the officials, who all are responsible for the delay in paying the gratuity amount, as per the order of the Assistant Commissioner Labour, under the Payment of Gratuity Act.



6.This apart, the respondents are directed to settle the amount to the writ petitioner as per the award of the Assistant Commissioner of Labour under the Payment of Gratuity Act, within a period of twelve weeks from the date of receipt of a copy of this order.

WEB COPY

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Tashildar,
Nilakottai Taluk,
Dindigul District.
- 3.The Assistant Commissioner of Labour,
Office of Deputy Commissioner of Labour,
Dindigul, Dindigul District.

+1cc to The Special Government Pleader in SR.No.26823

W.P. (MD)No.16333 of 2015
21.12.2020

Ns

AE (07/01/2021) 3P / 5C