



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.06.2021**

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.8942 of 2021

Muthukrishnan

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District.
- 2.The Controlling Authority,
Under Payment of Gratuity Act/
Assistant Commissioner of Labour,
O/o.Deputy Commissioner of Labour,
Thiruchirapalli.
- 3.The Principal,
Government Mens College,
Kumbakonam.
- 4.Deputy Hostel Warden,
Victoria Jubilee Hostel,
Government Mens College,
Kumbakonam.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents particularly the first respondent to proceed under the Revenue Recovery Act as against the third and fourth respondents to collect gratuity amount as fixed by the second respondent in P.G.No.344/2016 dated 11.09.2017 with interest at the rate of 10% from the respective date fixed for petitioner till the date of payment as per proceedings of the second respondent in Na.Ka.No.Aa2/173/21 dated 25.02.2021 and disburse the amount to the petitioner within a stipulated time that may be stipulated by this Court.

For Petitioner

: Mr.M.Vivek Kumar

For R-1

: Mr.P.Thilak Kumar,

Government Advocate



ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the first respondent to proceed under the Revenue Recovery Act as against the third and fourth respondents to collect gratuity amount as fixed by the second respondent in P.G.No.344/2010 dated 11.09.2017 with interest at the rate of 10% from the respective date fixed for petitioner till the date of payment as per proceedings of the second respondent in Na.Ka.No.Aa2/173/21 dated 25.02.2021 and disburse the amount to the petitioner within a stipulated time that may be stipulated by this Court.

2. The brief facts of the case are as follows:

The petitioner joined as a Cook under the third respondent Management on 03.06.1955 and continued his service under the fourth respondent and subsequently, he was promoted as a Head Cook and continued his service till 12.08.2015. After his service under the third and fourth respondents, he had submitted an application under Section 7 of the Payment of Gratuity Act, 1972 on 12.08.2015. As the respondents 3 and 4 had not paid the gratuity amount to the petitioner, he had filed a petition before the second respondent under Section 4 of the Act, who in turn after affording opportunity to the petitioner as well as the third and fourth respondents, vide order in P.G.No.344/2016 dated 11.09.2017, directed to pay a sum of Rs.2,78,372/- to the petitioner, within a period of thirty days with interest at the rate of 10% till the date of payment. Though the petitioner had submitted a representation to the third and fourth respondents on 16.11.2017 along with the aforesaid order in person, no effective action was taken by them. Thereafter also, for several times, the petitioner approached the respondents 3 and 4. Subsequently, based on the representations submitted by the petitioner, proceedings were initiated by the second respondent in Na.Ka.No.Aa2/173/21 dated 25.02.2021 and show-cause notice was issued to the third and fourth respondents. The petitioner is now aged about 83 years and he has filed this writ petition to dispose of the aforesaid proceedings initiated against the third and fourth respondents under the Revenue Recovery Act to collect the gratuity amount as fixed by the second respondent in P.G.No.344/2016 dated 11.09.2017, within a time frame.

3. Heard Mr.M.Vivek Kumar, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Advocate for the first respondent and perused the materials available on record.

4. Considering the age of the petitioner, the second respondent is directed to conclude the proceedings in Na.Ka.No.Aa2/173/21 dated 25.02.2021, within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above direction, the writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

Note:(i) 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.

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To:

1.The District Collector,
Thanjavur District.

2.The Controlling Authority,
Under Payment of Gratuity Act/
Assistant Commissioner of Labour,
O/o.Deputy Commissioner of Labour,
Thiruchirapalli.

+1 CC to M/s.GP (SR-18654[F] dated 02/06/2021)

+1 CC to M/s.M.VIVEK KUMAR, Advocate (SR-18713[F] dated 03/06/2021)

**W.P (MD) No .8942 of 2021
01.06.2021**

GS (16.06.2021) 3P 5C