



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.1291 of 2016

and

C.M.P(MD)No.8859 of 2016

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The Kanyakumari District Consumer
Co-operative Whole Sales Stores Limited,
Y.No.26, Rep. by Co-operative Sub-Registrar,
Execution and Liquidation
Kanyakumari District Co-operative,
Central Bank Branch Elankadai,
Nagercoil.

... Appellant/2nd Respondent

Vs.

1.S.Thangom
2.S.Arunachalam
3.C.Balamirtham
4.A.Velu Pillai
5.G.Sumathy Ammal
6.C.Parameswaran
7.P.Saraswathy
8.G.Gnana Prakash
9.L.Kanaga Ammal
10.D.Achariam
11.S.Sree Thangaraj
12.A.Valliammal
13.N.Krishnan
14.P.Krishnan
15.M.H.Kair Nisha
16.A.Leela
17.R.Ramesh
18.J.Yessiah
19.M.Shiek Mohideen

... Respondents 1 to 19/Petitioners

20.The District Collector,
Kanyakumari District,
Nagercoil.

... 20th Respondent/1st Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 23.03.2015 made in W.P(MD)No.4038 of 2009 on the file of this Court.

Prayer in WP(MD). 4038 of 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of a writ of Mandamus,

<https://hcservices.ecourts.gov.in/hcservices/>



to direct the 1st Respondent herein to enforce the proceedings in AA2/707/2006, dated 20.5.2006 of the Assistant Commissioner of Labour (Incharge) Office of the Assistant Commissioner of Labour, Tirunelveli issued under Section 8 of payment of Gratuity Act.

For Appellant : Mr.N.S.Ramakrishna Dass

For RR 3 to 10
12, 14 to 18 : No appearance

For RR 11, 13 & 19 : Mr.V.Jeyaprakash

For R - 20 : Mr.P.Mahendran
Additional Government Pleader

: Mr.D.Shanmugaraja Sethupathy
for Central Co-operative Bank

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

The Writ Appeal is directed against the order passed by the learned Single Judge in W.P(MD)No.4038 of 2009, dated 23.03.2015.

2.The erstwhile employees/writ petitioners of the appellant herein had sought for a Writ of Mandamus, to direct the District Collector to enforce the proceedings in AA2/707/2006, dated 20.05.2006 of the Assistant Commissioner of Labour, Tirunelveli, issued under Section 8 of Payment of Gratuity Act.

3.The respondents 1 to 19/writ petitioners also had given the amount due to each of them. As the appellant did not pay the said amount, the learned Single Judge, had issued a direction to the District Collector to initiate proceedings under the Revenue Recovery Act within a period of twelve weeks from the date of receipt of a copy of that order.

4.Mr.D.Shanmugaraja Sethupathi, learned counsel for the Central Co-operative Bank states that there were other outstanding by the appellant, namely a loan amount of Rs.3,52,56,118/-, due to the Central Co-operative Bank and the property was brought to sale and they have realised only a portion of the amount. Sofar as the provident fund due is concerned, it is stated that the said amount was also remitted by the Central Co-operative Bank.

5.The learned counsel appearing for the appellant states that the Society has got no other asset and it is not possible for them to settle the writ petitioners herein.



6.As the appellant is unable to settle the dues, the Writ Appeal is dismissed and the order passed by the learned Single Judge is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ps

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

The District Collector,
Kanyakumari District,
Nagercoil.

+1 CC to M/s.SPL GP (SR-10209[F] dated 10/03/2021)

+1 CC to Mr.N.S.RAMAKRISHNA DASS, Advocate (SR-10262[F] dated 11/03/2021)

+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-10464[F] dated 11/03/2021)

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