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W.P.No.2309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.2309 of 2022

Dr.M.D.K.Kumaraswamy

... Petitioner

Vs

1.District Collector,
Rajaji Salai, Fourth Floor,
62, Beach Road, George Town,
Chennai - 600 001.

2.M/s.MNM Jain Engineering College,
Jothi Nagar, Thuraipakkam,
Chennai - 600 097

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to act on the letter dated 06.01.2022 and recover the pending gratuity amount of Rs.9,22,966/- along with compound interest of Rs.9,13,546.3/- calculated at 15% (calculated until 31.01.2022) totalling up to Rs.18,36,512.3/- from the second respondent college and remit the same to the petitioner.

For Petitioner

...

Mr.Sriram Venkatavaradan

For Respondent 1

...

Mr.L.S.M.Hasan Fizal,
Additional Government Pleader



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ORDER

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This writ petition has been filed for a mandamus seeking for a direction to the first respondent to consider the letter dated 06.01.2022 and pass final orders.

2. In this writ petition, the petitioner seeks for enforcement of recovery certificate dated 21.09.2021 issued in his favour by the Deputy Commissioner of Labour to the Collector of Kancheepuram. In view of the non-payment of the Gratuity amount to the petitioner by the second respondent, the recovery certificate has been issued. The petitioner has given a representation on 06.01.2022 seeking to enforce the said recovery certificate. Since the representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.Sriram Venkatavaradan, learned counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the first respondent.

4. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law within a time frame to be fixed by this Court and if the first respondent is directed to



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enforce the same in accordance with law by following the procedure established under law, in case, the petitioner is entitled for enforcement of the recovery certificate dated 21.09.2021.

5. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 06.01.2022 seeking for enforcement of recovery certificate dated 21.09.2021 issued by the Deputy Commissioner of Labour in his favour, within a period of eight weeks from the date of receipt of a copy of this order and in case, it is found that the petitioner is entitled to recover the said Gratuity amount, the first respondent shall enforce the same against the second respondent by following the due procedure established under law.

6. With the aforesaid direction, this writ petition is disposed of. No costs.

23.11.2022

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Index: Yes/ No
Speaking Order/Non-speaking Order

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To

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Rajaji Salai, Fourth Floor,
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ABDUL QUDDHOSE, J.

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