



W.P.No.31328 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.31328 of 2005

S.Srinivasan

...Petitioner

-Vs-

1.The District Collector,
Salem.

2.The Assistant Commissioner of Labour,
Office of the Deputy Commissioner
of Labour, Salem - 7.

3.The Management,
Thuthikulam Primary Agricultural
Co-operative Bank Ltd.,
Rep. by its Special Officer,
Thuthikulam Post,
Namakkal Taluk & District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the order dated 16.06.2004 of the 3rd respondent, quash the same and consequently direct the 3rd respondent to pay the petitioner the gratuity of Rs.32,227/-.



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For Petitioner : Mr.V.Ajoy Khose
For R1 : Mr.D.Gopal,
Government Advocate
For R2 : Mr.G.Velu,
Additional Government Pleader
For R3 : No Appearance

ORDER

Heard Mr.V.Ajoy Khose, learned counsel appearing for the petitioner, Mr.D.Gopal, learned Government Advocate for the first respondent and Mr.G.Velu, learned Additional Government Pleader for the second respondent. There is no representation on behalf of the third respondent, so also in the last hearing on 18.10.2022.

2. Alleging payment of excess gratuity for the period between 01.07.1997 and 29.02.2000, the third respondent herein had issued the impugned order dated 16.06.2004 for recovery of the excess amount of Rs.32,747/-.

3. In connection with the alleged excess payment for the period



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regard to the alleged excess payment and the consequential recovery. The impugned order, thus, would be in violation of the principles of natural justice and on this ground also, the order requires to be quashed.

6. In the light of the above findings, the impugned order issued by the third respondent dated 16.06.2004 is quashed and accordingly, the Writ Petition stands allowed. No costs.

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Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

hvk



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- To
- 1.The District Collector,
Salem.
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M.S.RAMESH,J.

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