



W.P.No.32403 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.32403 of 2014

J.John Sugumar

..Petitioner

Vs.

1.The District Collector,
Coimbatore District, Coimbatore.

2.The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Coimbatore – 18.

3.The Management,
Mahaveer Plantation Private Limited,
High Foresh Estate, Vaalparai via,
Coimbatore District – 642 127.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 1st respondent or his sub-ordinate officers to invoke the Revenue recovery Act against the 3rd respondent management for recovery a Gratuity amount of Rs.71,395/- payable to the petitioner along with the interest as per the orders passed by the 2nd respondent in R.R.No.15 of 2014 dated 30.07.2014, within a reasonable time as may be fixed by this Court.



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For Petitioner : Mr.D.Vishnu Varadhan
for Mr.A.E.Ravichandran
For Respondents : Mr.Vadivelu Deenadayalan,
Additional Government Pleader for R1
Mr.G.Nanmaran,
Special Government Pleader for R2
R3 – No appearance

ORDER

The petitioner who has been favoured with an order by the Controlling Authority for payment of gratuity under the Payment of Gratuity Act, 1972 has come up to this Court seeking a mandamus to implement the order.

2. Section 8 of the Payment of Gratuity Act imposes an obligation on the part of the Revenue to collect the same as if it is an arrears of land revenue by invoking the provisions of the Revenue Recovery Act.

3. The District Collector, Coimbatore has filed a counter narrating the steps that have been taken for recovery of the gratuity. From the counter it is seen that no coercive steps have been taken and the 3rd respondent



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Management has been treated with very soft gloves by the District administration, despite being a defaulter.

4. Since it is a statutory liability which is recoverable as if it is land revenue, the writ petition is **allowed**. There will be a direction to the District Collector, Coimbatore to implement the order passed by the 2nd respondent dated 27.02.2013 in its letter and spirit by invoking the plenary provision of Tamil Nadu Revenue Recovery Act. Such recovery shall be effected within a period of three (3) months from the date of receipt of the copy of this order. No costs.

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Index : No

Internet : Yes

Speaking order



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To

WEB COPY

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R.SUBRAMANIAN, J.

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