



WEB COPY



W.P.No.31512 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.31512 of 2022

Dr.Sheilaa Haran

... Petitioner

Versus

1. The District Collector,
Chennai District, Chennai-600001.
2. The Tahsildar,
Ambattur Taluk,
Chennai-600 053.
3. The Deputy Commissioner of Labour,
Office of the Joint Commissioner of Labour-II,
Chennai-600006.
4. The Chairman,
Velammal Educational Trust,
Ambattur-Redhills Road,
Surapet, Chennai-600066.
5. The Management,
Rep by the Chief Executive Officer,
Velammal Engineering College,
Ambattur-Redhills Road, Surapet,
Chennai-600066
6. The Principal,
Velammal Engineering College,
Ambattur-Redhills Road, Surapet,
Chennai-600066

.... Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents 1 to 3 to recover the sum of Rs.8,70,480/-together with interest thereon at the rate of 15% per annum on the said sum from 17.04.2017 till the date of payment from the respondents 4 to 6 under the Revenue Recovery Proceedings as per the Order dated 11.02.2021 passed in P.G.No.82 of 2019 and the Certificate RC No.G3/6395/22 dated 16.03.2022 issued under Section 8 read with Rule 19 of the Payment of Gratuity Act and pay the same to the petitioner together with further interest till the date of payment.

For Petitioner : Mr.G.Sudhangan
for Mr.T.N.Sugesh

For Respondents : Mr.N.Naveen Kumar
Government Advocate
For R.1 and R.2
Mr.G.Nanmaran
Spl.Govt.Pleader
For R.3

ORDER

The grievance of the petitioner in this writ petition is that despite issuance of recovery certificate in her favour under the Payment of Gratuity Act, under which, a sum of Rs.8,70,480/- has been ordered to be paid in her favour, till date, the recovery certificate has not been enforced.



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2. The 6th respondent has been directed to pay the aforementioned amount as Gratuity to the petitioner under the Award of the Controlling Authority dated 11.02.2021 in P.G Case No.61 of 2020. Thereafter, a recovery certificate was also issued in favour of the petitioner on 08.02.2022. The petitioner seeks for enforcement of the said recovery certificate. The petitioner has given a representation on 11.05.2022 to the respondents, seeking for enforcement of the recovery certificate. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.G.Sudhangan, learned counsel for the petitioner and Mr.N.Naveen Kumar, learned Government Advocate accepts notice on behalf of the respondents 1 and 2 and Mr.G.Nanmaran, learned Special Government Pleader accepts notice on behalf of the third respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. No prejudice would be caused to the respondents if the petitioner's representation, seeking for enforcement of recovery certificate is considered on merits and in accordance with law and once it is found that the recovery certificate is enforceable, if the respondents are directed to enforce the same within a time frame to be fixed by this Court.



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5. For the foregoing reasons, this Court directs the respondents 1 and 2 to pass final orders on merits and in accordance with law on the petitioner's representation dated 11.05.2022, seeking for enforcement of recovery certificate dated 08.02.2022 on the proceeding of the Deputy Commissioner of Labour and the Proceeding of the District Collector, Chennai dated 16.03.2022 within a period of eight weeks from the date of receipt of a copy of this order.

6. In case it is found that the recovery certificate is enforceable, the second respondent shall execute the same and recover the amount from the respondents 4 to 6 as expeditiously as possible.

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

25.11.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order



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ABDUL QUDDHOSE,J.

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