



W.P. No.33530 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.33530 of 2022

P. Rajendran

...Petitioner

vs.

1. The Assistant Commissioner of Labour,
Gorimedu,
Salem.

2. The District Collector,
Krishnagiri District,
Krishnagiri.

3. The Revenue Divisional Officer,
Hosur Taluk,
Krishnagiri District - 635 109.

4. The Tahsildar,
Hosur Taluk,
Krishnagiri District.

5. The Revenue Inspector,
Bagalur,
Hosur Taluk,
Krishnagiri District.

6. M/s. Asian Bearings Ltd.,
Bealathur Post,
Hosur Taluk,



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Krishnagiri District.

7. M/s.Asian Bearings Ltd.,
No.25, Petter's road,
Rayapettai,
Chennai - 600 014.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue a certificate under Section 8 of the Payment of Gratuity Act, 1972 to the 2nd respondent by considering the petitioner's representation dated 06.09.2021 and consequently direct the respondents 2 to 4 herein to recover the Gratuity amount of Rs.1,62,023/- together with interest @ 10% interest from 01.07.2016 to till the date of payment in full as per the order in P.G.A. No.03 of 2021 dated 31.05.2021 passed by the Appellate Authority under the Payment of Gratuity Act 1972 from the 6th and 7th respondents and to disburse the Gratuity amount to the petitioner by considering his representation dated 08.08.2022.

For petitioner : Mr.R. Jayaprakash

For respondents : Ms.M.Jayanthi,
Addl. Govt. Pleader for R1 to R5
For R6 and R7 - Dispensed with

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.



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2. Ms.M.Jayanthi, learned Additional Government Pleader accepts

notice for the respondents 1 to 5.

3. The petitioner seeks for enforcement of the order dated 31.05.2021 passed in his favour in P.G.A. No.3 of 2021 in this writ petition. He seeks for issuance of a recovery certificate as per the provisions of Section 8 of the Payment of Gratuity Act, 1972. The petitioner has given a representation on 06.09.2021 for the said purpose. As per the order dated 31.05.2021 passed in P.G.A. No.3 of 2021, the 1st respondent has determined the amount of gratuity payable to the petitioner by the 6th respondent Management at Rs.1,62,023/-. The petitioner seeks for issuance of a recovery certificate as per the provisions of Section 8 of the Act.

4. Heard Mr.R. Jayaprakash, learned counsel for the petitioner and Ms.M.Jayanthi, learned Additional Government Pleader for the respondents 1 to 5. Since no adverse orders are passed against the 6th and 7th respondents, notice to 6th and 7th respondents are dispensed with by this Court.

5. No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with



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law, within a time frame to be fixed by this Court.

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6. Since the representation given by the petitioner is an old one, he will have to give a fresh representation.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents requesting the 1st respondent to issue a recovery certificate as per Section 8 of the Payment of Gratuity Act, 1972 in respect of the order dated 31.05.2021 passed in P.G.A. No.3 of 2021 in his favour, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 1st respondent shall pass final orders on merits and in accordance with law, within a period of four weeks thereafter.

8. With the aforesaid directions, this writ petition is disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2

To

1. The Assistant Commissioner of Labour,
Gorimedu,



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ABDUL QUDDHOSE, J.

vsi2

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Krishnagiri District - 635 109.

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