



W.P(MD).No.18316 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.18316 of 2014

D.Balavenkatachalam

... Petitioner

-VS-

1. The Controlling Authority
Under Payment of Gratuity Act cum-
Assistant Commissioner of Labour,
Dindigul.
2. The District Collector,
Dindigul District.
3. The Tahsildar,
Palani Taluk,
Dindigul District.
4. Sri Venkatesa Paper & Boards Ltd.,
Palani Main Road,
Pushpathur Village,
Swaminathapuram Post,
Madathukulam – 642 113,
Palani Taluk, Dindigul District.

.... Respondents



W.P(MD).No.18316 of 2014

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to initiate recovery proceedings under the Revenue Recovery Act against the 4th respondent for recovery of the award amount passed by the first respondent in P.G.No.322 of 2010, dated 02.08.2012 from the 4th respondent and complete the same within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Kannan
For R2 & R-3 : Mr.B.Saravanan
Additional Government Pleader
For R-1 & R-4 : No appearance

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus directing the respondents 2 and 3 to initiate proceedings under Revenue Recovery Act to implement the Award passed by the first respondent herein, on 02.08.2012 in P.G.No.322 of 2010.

2. According to the petitioner, the fourth respondent has suffered an Award in P.G.No.322 of 2010 before the first respondent herein on 02.08.2012. As per the said Award, the gratuity amount was not paid to the writ petitioner. Thereafter, he made a representation to the second



W.P(MD).No.18316 of 2014

respondent herein. The second respondent, by his proceedings, dated 13.05.2014 directed the third respondent to invoke Revenue Recovery Act as against the fourth respondent, in order to recover the gratuity amount that is due to the writ petitioner. Despite the said order, the third respondent has not initiated any proceedings under the Revenue Recovery Act as against the fourth respondent herein. Hence, the present Writ Petition has been filed.

3. A perusal of the Award of the first respondent and the communication of the second respondent, dated 13.05.2014 clearly indicate that the fourth respondent is yet to pay the gratuity amount. The third respondent has not yet initiated any proceedings under the Revenue Recovery of the Act.

4. In view of the facts, the third respondent is directed to initiate the Revenue Recovery Proceedings as against the fourth respondent, in order to recover the award amount Award in P.G.No.322 of 2010, dated 02.08.2012. The said Revenue Recovery Proceedings shall be initiated within a period of eight (8) weeks from the date of receipt of a copy of this order. The same



W.P(MD).No.18316 of 2014

shall be concluded within a period of four (4) months from the date of initiation of proceedings.

5. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs.

24.11.2022

Index : Yes / No
Internet : Yes / No
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W.P(MD).No.18316 of 2014

R.VIJAYAKUMAR,J.

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W.P.(MD)No.18316 of 2014

24.11.2022