



WEB COPY



Writ Petition No.2728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2728 of 2023

S.Prabhakaran

...Petitioner

Vs

1.The District Collector,
Salem District.

2.The Tahsildar,
Salem Taluk Office,
Salem.

3.The Managing Director,
The Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the second respondent herein to implement the order passed by the respondents 1 and 2, the District Collector, Salem District and the Tahsildar, Salem Taluk, in Na.Ka.No.20907/2022/e4 dated 29.06.2022 passed by the first respondent and 2) Na.Ka.No.3651/2022(a5) dated 8.7.2022 passed by the second respondent which is based on the order passed by the Additional



Writ Petition No.2728 of 2023

Commissioner of Labour, Coimbatore in P.G.A.No.58/2022 dated 02.11.2022 and further direct the respondents 1 and 2 herein to collect the amount of Rs.1,39,446/- towards 10% interest for belated payment of gratuity from the date of retirement till the date of realization from the third respondent transport corporation and to hand over the same to the petitioner herein within the time limit.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.Ru.Dinesh Rajkumar
Additional Government Pleader [R1&R2]
Mr.K.Raja
Standing Counsel [R3]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the Tahsildar to implement the order passed in favour of the petitioner by the Additional Commissioner of Labour and to release the amount of Rs.1,39,446/-, which was given in favour of the petitioner towards interest for belated payment of gratuity from the date of his retirement till the date of realization.

2. Heard Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner,
Mr.Ru.Dinesh Rajkumar, learned Additional Government Pleader,



Writ Petition No.2728 of 2023

appearing for respondents 1 and 2 and Mr.K.Raja, learned Standing Counsel

appearing for third respondent.

3. In the considered view of this Court, a competent authority has already passed orders directing the transport corporation to pay the amount that was determined through proceedings in P.G.A.No.58/2022 dated 02.11.2022. The transport corporation is bound to pay this amount and they cannot drive the petitioner from pillar to post. The action that was taken by the revenue authorities under the Revenue Recovery Act is also only lying in the paper and the petitioner is yet to see the colour of the coin.

4. In view of the above, there shall be a direction to the third respondent transport corporation to comply with the orders passed by the Additional Commissioner of Labour, Coimbatore, in P.G.A.No.58/2022 dated 02.11.2022 on or before 02.03.2023.

5. Accordingly, this Writ Petition is disposed of with the above direction. No costs.



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Writ Petition No.2728 of 2023

N.ANAND VENKATESH, J

gm

Post this case under the caption "for reporting compliance" on
06.03.2023.

02.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

- 1.The District Collector,
Salem District.
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Salem.
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