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Writ Petition No.2887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2887 of 2023

C.Marappan

...Petitioner

Vs

1.The District Collector,
Salem District.

2.The Tahsildar,
Salem Taluk Office,
Salem.

3.The Town Revenue Inspector,
Salem Town, Salem.

4.The General Manager,
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 respondents 1 to 3 herein to implement the order in Na.Ka.No.19470/2022/e4 dated 10.10.2022 passed by the first respondent, namely, the District Collector, Salem District 2) Na.Ka.No.5510-2022 (a5) dated 26.10.2022 passed by the second respondent herein, namely, the Tahsildar, Salem Taluk, which is based on



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the order passed by the Additional Commissioner of Labour, Coimbatore in P.G.A.No.53/2021 dated 13.01.2022 and further direct the respondents 1 to 3 herein to collect the amount of Rs.1,23,809/- towards balance amount of gratuity payable to the petitioner and interest thereon from the date of payment till the date of realization and further direct the respondents 1 to 3 herein to collect 10% interest for belated payment of gratuity from the date of payment till the date of realization from the fourth 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 to R3]
Mr.K.Raja
Standing Counsel [R4]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents 1 to 3 to implement the order passed in favour of the petitioner by the Additional Commissioner of Labour, Coimbatore and to release the amount of Rs.1,23,809/-, which was given in favour of the petitioner towards balance amount of gratuity payable to the petitioner and interest thereon from the date of his retirement till the date of realization.

2. Heard Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner,



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Mr.Ru.Dinesh Rajkumar, learned Additional Government Pleader,
appearing for respondents 1 to 3 and Mr.K.Raja, learned Standing Counsel
appearing for fourth 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.53/2021 dated 13.01.2022. 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 fourth respondent transport corporation to comply with the orders passed by the Additional Commissioner of Labour, Coimbatore, in P.G.A.No.53/2021 dated 13.01.2022 on or before 02.03.2023.

N.ANAND VENKATESH, J



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

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.
 - 2.The Tahsildar,
Salem Taluk Office, Salem.
 - 3.The Town Revenue Inspector,
Salem Town, Salem.
 - 4.The General Manager,
The Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road, Salem - 636 007.

Writ Petition No. 2887 of 2023