



W.P.No.6368 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.6368 of 2022

Theethan

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Additional Commissioner of Labour /
Appellate Forum,
Coimbatore.

3.The Deputy Commissioner of Labour/
Controlling Authority under Gratuity Act,
Office of Joint Commissioner of Labour,
Salem - 636 008.

4.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.

5.The Management,
D.D.9, Uthangarai Agricultural Production Cooperative
Sale Society,
Uthangarai, Krishnagiri - 635 207.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 & 4 to recover the amount from fifth respondent as per the order dated 09.01.2021 in AGA 83/2019 and communication dated 04.08.2021 in Na.Ka.No.Aa4/4462/2019 of second respondent respectively and settle the same in favour of the petitioner.

For Petitioner : Mr.R.Marudhachalamurthy

For RR1 to 4 : Mr.D.Gopal, GA

For R5 : No appearance

ORDER

The present writ petition is filed to direct the respondents 1 & 4 to recover the amount from fifth respondent as per the orders dated 09.01.2021 in AGA. 83/2019 and communication dated 04.08.2021 in Na.Ka.No.Aa4/4462/2019 of second respondent respectively.

2.The grievance of the writ petitioner is that though the second respondent Additional Commissioner of Labour / Appellate Forum, Coimbatore, directed the fifth respondent Management to pay a sum of Rs.5,50,990/- under Section 7(3)(A) of the Employees Provident Fund and Miscellaneous Provisions Act, 1972 vide her orders dated

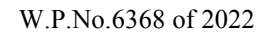


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09.01.2021 in AGA 83/2019 and a certificate along with the communication in this regard was sent to the first respondent/District Collector, Krishnagiri District, till date no action has been taken by the first respondent to recover the amount of Rs.5,50,990/- from the fifth respondent Management.

3. Learned counsel appearing for the respondents 1 to 4 would contend that the District Collector, Krishnagiri District, in his proceedings dated 08.10.2021 in Na.Ka.22451/2021/Q2 directed the fourth respondent Tahsildar, Uthangarai Taluk, Krishnagiri District, to recover the amount of Rs.5,50,990/- together with interest @ 10% per annum from the fifth respondent and that the Tahsildar, Uthangarai Taluk, Krishnagiri District, in turn had sent a communication to the fifth respondent during November 2021. According to him, the respondents 1 to 4 are in the process of recovering the amount from the fifth respondent Management.



5. A perusal of the orders passed by the second respondent shows that the fifth respondent Management is liable to pay a sum of Rs.5,50,990/- to the writ petitioner. In the circumstances, the respondents 1 & 4 are directed to proceed further in the instant case and recover the amount from the fifth respondent under the Revenue Recovery Act within a period of twelve weeks from the date of receipt of a copy of this order.

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