



WEB COPY



W.P.No.9310 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

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

W.P.No.9310 of 2022

- 1 S.Duraidass
- 2 K.Srinivasan
- 3 P.Kuppan
- 4 R.Devan
- 5 Muniammal

... Petitioners

Vs.

- 1 The District Collector,
1st Floor, Main Building,
District Collectorate,
Dharmapuri-636 705.

- 2 The Tahsildar,
Palacode,
Karagathahalli,
Palacode-636 808.

- 3 The Controlling Authority,
Payment of Gratuity Act,
Salem.

- 4 The Managing Director
Dharmapuri District Cooperative Sugar Mills Limited,
Jerthlav Post, Palacode Taluk,
Dharmapuri District-636 808.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the 1st and 2nd Respondents herein to initiate proceedings under Section 8 of the Payment of Gratuity Act, 1972 against the 4th Respondent herein for recovery of gratuity amount as per order, dated 18.02.2020 and consequently direct the 3rd Respondent to disburse the same to the Petitioners herein.

For Petitioners : Ms.B.Poongkhulali

For Respondents : Mr.D.Gopal
Government Advocate

ORDER

The grievance of the petitioners is that though the 3rd respondent passed orders dated 18.02.2020 directing the 4th respondent / Management to pay gratuity together with interest at 10% per annum to the petitioners and a communication dated 30.09.2020 was also sent to the 1st respondent to initiate action under Revenue Recovery Act, till date no amount is recovered from the 4th respondent. Their representations to the 1st respondent also evoked no response. Therefore, they have filed the present Writ Petition to direct the respondents 1 to 3 to take further action against the 4th respondent / Management.



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2. Gratuity is paid to an employee as part of his / her salary and is considered to be a benefit plan which is designed to help the employee during his/her retirement. Gratuity if not paid, can be recovered as land revenue under Revenue Recovery Act. In the instant case, orders for payment of gratuity along with 10% interest were passed as early as 2020. In the circumstances, the respondents 1 and 2 are directed to consider the representations of the petitioners and the communications sent to them by the 3rd respondent, after giving notice to the 4th respondent and pass appropriate orders both in representations of the petitioners and the communications sent by the 3rd respondent within a period of twelve weeks from the date of receipt of a copy of this order.

3. With the above direction, this Writ Petition is disposed of.

No costs.

05.10.2023

Index: Yes/No
Speaking/Non-Speaking order
vum



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R. HEMALATHA, J.

vum

To

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