



W.P.No.13038 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.No.13038 of 2021

M.Nagarajan

... Petitioner

Vs.

1.The Managing Director,
M/s.Sri Bharathi Mills,
(A Govt. of Puducherry Undertaking),
Mudaliarpet, Puducherry - 605 004.

2.The District Collector,
I-Floor, New Revenue Complex,
Vazhudavoor Road, Pettaiyanchathiram,
Puducherry - 605 009.

3.Tahsildar,
Taluk Office,
100 Feet Road, Mudaliarpet,
Puducherry - 605 004.

4.Union Territory of Puducherry,
Represented by Chief Secretary to Government,
Department of Industry and Commerce,
Industrial Estate, Huzuga Theatre,
Thattanchavady, Puducherry - 9.



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5. Union Territory of Puducherry,
Represented by Secretary to Government,
Department of Industry and Commerce,
Industrial Estate, Huzuga Theatre,
Thattanchavady, Puducherry - 9.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 & 3 to recover a sum of Rs.1,59,636/- towards simple interest @ 10% on the principal gratuity amount of Rs.6,26,732/- already paid by the 1st respondent as stipulated in Certificate of Recovery order dated 13.08.2020 and the orders dated 09.08.2019 in G.A.No.267/2018 of the Controlling Authority cum Labour Officer.

For Petitioner : Mr.D.Nagasaila
For R1 : Mr.A.Tamilvanan,
AGP, Puducherry
For RR2 to 5 : Ms.Sharada Vivek,
AGP, Puducherry

ORDER

The petitioner was an employee of Sri Bharathi Mills Limited, (Government of Puducherry undertaking) from 1973 to 2013 and retired as a Chief Clerk on 17.08.2013. On the date of his retirement, he did not



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receive any amount from the first respondent Mill though he had put in 41 years of continuous service. His gratuity amount is Rs.6,26,732/- out of which he received a sum of Rs.50,000/- on 29.05.2015 ; Rs.50,000/- on 01.08.2015 ; Rs.1,00,000/- on 26.10.2015 ; Rs.75,000/- on 02.12.2015 ; Rs.25,000/- on 21.03.2016 and Rs.3,26,732 on 22.07.2016. Subsequently, he did not receive any amount from the first respondent Mill. He therefore filed an application before the Controlling Authority under the Payment of Gratuity Act, 1972 -cum-Labour Officer (Enforcement), Puducherry, against the first respondent Mill claiming interest for the gratuity amount from the date of retirement till the date of payment of gratuity under Section 7(3) (A) of the Payment of Gratuity Act, 1972 (Act) read with Rule 10(1) of Puducherry Payment of Gratuity Rules 1973 (Rules). An enquiry was conducted and the Controlling Authority vide his orders dated 09.08.2019 held that the petitioner is eligible for simple interest @ 10% per annum on the gratuity of Rs.6,26,732/- which should be paid in six installments on different periods. He also calculated the interest as detailed hereunder :



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Interest Calculation

<i>S.I. No.</i>	<i>Due Amount</i>	<i>Paid Amount</i>	<i>Period of Interest</i>	<i>No. of days of interest</i>	<i>Rate of Interest</i>	<i>Amount of Interest due (Due amount X Period of interest X Rate of interest)</i>
1.	626732	50,000	17.08.2013 to 29.05.2015	651	10%	$\frac{626732 \times 651 \times 10}{365 \times 100} = 11781.51$
2.	576732	50,000	30.05.2015 to 01.08.2015	63	10%	$\frac{576732 \times 63 \times 10}{365 \times 100} = 9954.55$
3.	526732	1,00,000	02.08.2015 to 26.10.2015	85	10%	$\frac{526732 \times 85 \times 10}{365 \times 100} = 12266.36$
4.	426732	75,000	27.10.2015 to 02.12.2015	36	10%	$\frac{426732 \times 36 \times 10}{365 \times 100} = 4208.86$
5.	351732	25,000	03.12.2015 to 21.03.2016	109	10%	$\frac{351732 \times 109 \times 10}{365 \times 100} = 10508.77$
6.	326732	326732	22.03.2016 to 22.07.2016	122	10%	$\frac{326732 \times 122 \times 10}{365 \times 100} = 10920.90$
TOTAL						159635.98 =159636 (Rounded Off)

Since no amount was forthcoming he issued a certificate in G.A.No.267/2018 on 13.08.2020 for recovery of the aforesaid amount under Revenue Recovery Act as per Section 8 of the Act.



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2. Ms.Sharada Vivek, learned Additional Government Pleader (Puducherry) for the respondents 2 to 5 contended that on receipt of the certificate from the Labour Officer, Puducherry the District Collector, Puducherry had initiated proceedings dated 22.09.2021 bearing Ref.No.1418/P/Rev/C1/RR/2021 and that they are in the process of recovering the amount due and payable to the writ petitioner. In the circumstances, the respondents 2 & 3 are directed to take steps to recover the entire amount due to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

10.10.2023

(1/6)

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.

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