



W.P.No.13048 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.No.13048 of 2021

B.Sakkrapani

... Petitioner

Vs.

1.The Managing Director,
M/s.Sri Bharathi Mills,
(A Govt. of Puducherry Undertaking),
Mudaliarpeta, 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, Mudaliarpeta,
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.



W.P.No.13048 of 2021

WEB COPY

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.94,288/- towards simple interest @ 10% on the principal gratuity amount of Rs.3,77,395/- already paid by the 1st respondent as stipulated in the Certificate of Recovery dated 28.01.2021 and the orders dated 22.10.2020 in G.A.No.41/2020 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 on 02.09.2013. On the date of his retirement, he did not receive any



W.P.No.13048 of 2021

WEB COPY

amount from the first respondent Mill though he had put in 42 years of continuous service. His gratuity amount is Rs.3,77,395/- out of which he received a sum of Rs.2,00,000/- on 26.10.2015 and Rs.1,77,395/- 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 22.10.2020 held that the petitioner is eligible for simple interest @ 10% per annum on the gratuity of Rs.3,77,395/- which should be paid in two installments. He also calculated the interest as detailed hereunder :



W.P.No.13048 of 2021

WEB COPY

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.	3,77,395	2,00,000	02.09.2013 to 26.10.2015	785	10%	$200000 \times 785 \times 10$ ----- 365×100 =43013.69
2.	1,77,395	1,77,395	02.09.2013 to 22.07.2016	1055	10%	$177395 \times 1055 \times 10$ ----- 365×100 =51274.44
	TOTAL					=94,288.13 = 94,288 (Rounded Off)

Since no amount was forthcoming he issued a certificate in G.A.No.41/2020 on 28.01.2021 for recovery of the aforesaid amount under Revenue Recovery Act as per Section 8 of the Act.

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,



W.P.No.13048 of 2021

WEB COPY

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.

3. 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

(2/6)

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



W.P.No.13048 of 2021

WEB COPY

To

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W.P.No.13048 of 2021

R. HEMALATHA, J.
mtl

W.P.No.13048 of 2021

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