



W.P.No.13051 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.13051 of 2021

Vadivelu. K

... Petitioner

Vs.

1.The Managing Director,
M/s.Swadeshi Cotton Mills,
(A Govt. of Puducherry Undertaking),
No.3, M.M.A.Salai, Orleanpet,
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.



W.P.No.13051 of 2021

WEB COPY

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

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 to 5 to recover a sum of Rs.71,406/- towards gratuity along with simple interest @ 10% per annum from 23.03.2013 to 30.04.2015 from the 1st respondent as stipulated in Certificate of Recovery order dated 29.05.2018 and the orders dated 30.09.2016 in G.A.No.85/2016 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



W.P.No.13051 of 2021

WEB COPY

ORDER

The petitioner was an employee of Swadeshi Cotton Mills, (Government of Puducherry undertaking) from 1972 to 2013 and retired on 23.03.2013. On the date of his retirement, he did not receive any amount from the first respondent Mill though he had put in 39 years of continuous service. His gratuity amount of Rs.3,39,581/- was paid on 30.04.2015, after two years of his retirement. The Labour Officer, Puducherry, passed an order dated 30.09.2016 directing the first respondent to pay a simple interest @ 10% per annum for the gratuity amount of Rs.3,39,581/- for the period between 23.03.2013 to 30.04.2015 within a period of thirty days from the date of receipt of notice, which was not complied with. He therefore, filed an application dated 04.02.2017 before the Controlling Authority under the Payment of Gratuity Act, 1972 -cum-Labour Officer (Enforcement), Puducherry, against the first respondent Mill to initiate recovery of 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



W.P.No.13051 of 2021

WEB COURT

(Act) read with Rule 10(1) of Puducherry Payment of Gratuity Rules 1973 (Rules). Since no amount was forthcoming the Controlling Authority issued a certificate in P.G.No.85/2016 on 29.05.2018 for recovery of the amount under Revenue Recovery Act as per Section 8 of the Act, certifying that first respondent is liable to pay a sum of Rs.71,406/- towards interest on the gratuity amount paid to the petitioner in terms of order dated 30.09.2016 in P.G.No.85/2016.

2. Ms.Sharada Vivek, learned Additional Government Pleader (Puducherry) for the respondents 2 to 5 contended 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 interest amount due to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.No.13051 of 2021

WEB COPY

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

10.10.2023

(5/6)

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



W.P.No.13051 of 2021

WEB COPY

To

- 1.The Managing Director,
M/s.Swadeshi Cotton Mills,
(A Govt. of Puducherry Undertaking),
No.3, M.M.A.Salai, Orleanpet,
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.
- 5.Union Territory of Puducherry,
Represented by Secretary to Government,
Department of Industry and Commerce,
Industrial Estate, Huzuga Theatre,
Thattanchavady, Puducherry - 9.



WEB COPY



W.P.No.13051 of 2021

R. HEMALATHA, J.
mtl

W.P.No.13051 of 2021

10.10.2023