



W.P.No.13054 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.13054 of 2021

A.Albert

... 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.

4.Union Territory of Puducherry,
Represented by Chief Secretary to Government,
Department of Industry and Commerce,

Page 1 of 7



W.P.No.13054 of 2021

WEB COPY

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 & 3 to recover a sum of Rs.86,615/- towards simple interest @ 10% on the gratuity amount of Rs.3,73,330/- already paid and a sum of Rs.14,812/- along with simple interest @ 10% per annum for the period from 07.09.2013 till 04.10.2016 and compound interest @ 15% per annum from 05.10.2016 till the date of recovery as balance gratuity from the 1st respondent as stipulated in Certificate of Recovery order dated 17.09.2019 and the orders dated 31.08.2016 in P.G.No.78/2015 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.13054 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 07.09.2013. 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 is Rs.3,73,330/- out of which he received a sum of Rs.1,00,000/- on 31.08.2015 and Rs.1,00,000/- on 26.10.2015. Subsequently, he did not receive the balance gratuity 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 31.08.2016 directed the first respondent to pay an amount of Rs.1,73,330/- along with 10% simple



W.P.No.13054 of 2021

WEB COPY

interest from the date of due to till the date of payment to the petitioner further directed to pay 10% simple interest for Rs.1,00,000/- from 07.09.2013 to 31.08.2015 and 10% simple interest for Rs.1,00,000/- from 07.09.2013 to 26.10.2015. Since no amount was forthcoming the Controlling Authority issued a certificate in P.G.No.78/2015 on 17.09.2019 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.14,812/- along with simple interest @ 10% per annum for the period from 07.09.2013 till 04.10.2016 and compound interest @ 15% per annum from 05.10.2016 till the date of recovery towards the balance gratuity payable and also interest amount of Rs.86,615/- on the gratuity amount already paid to the petitioner in terms of the order dated 31.08.2016 in P.G.No.78/2015.



W.P.No.13054 of 2021

WEB COPY

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 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

(4/6)

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



W.P.No.13054 of 2021

WEB COPY

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W.P.No.13054 of 2021

R. HEMALATHA, J.
mtl

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