



W.P.No.13056 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.13056 of 2021

B.Kanagaraj

... 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,
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.1,00,748/- towards simple interest @ 10% on the gratuity amount of Rs.3,83,054/- already paid from the 1st respondent as stipulated in Certificate of Recovery order dated 22.10.2019 and the orders dated 12.04.2016 in G.A.No.65/2015 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

ORDER

The petitioner was an employee of Swadeshi Cotton Mills, (Government of Puducherry undertaking) from 1972 to 2013 and retired on 06.12.2013. On the date of his retirement, he did not receive any



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amount from the first respondent Mill though he had put in 40 years of continuous service. 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 12.04.2016 directed the first respondent to pay a sum of Rs.3,83,054/-. His gratuity amount of Rs.3,83,054/- was paid on 22.07.2016, after three years of his retirement, for which no interest was paid for the delayed period as mandated under the Payment of Gratuity Act. Since no interest was forthcoming the Controlling Authority issued a certificate in P.G.No.65/2015 on 22.10.2019 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.1,00,748/- towards interest on the gratuity amount paid to the petitioner in terms of order dated 12.04.2016 in P.G.No.65/2015.



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R. HEMALATHA, J.
mtl

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