



W.P.Nos.11351, 11357, 11353,
11359 & 11361 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.11351, 11357, 11353, 11359 & 11361 of 2020

K.Venkatraman	. . . Petitioner in W.P.No.11351 of 2020
G.P.Marappan	. . . Petitioner in W.P.No.11357 of 2020
C.Paulraj	. . . Petitioner in W.P.No.11353 of 2020
K.Syed Ibrahim.	. . . Petitioner in W.P.No.11359 of 2020
N.Selvam	. . . Petitioner in W.P.No.11361 of 2020

Vs

1. The Collector, Dharmapuri District, Dharmapuri-636 705.	
2. The Management, Tamil Nadu State Transport Corporation (Salem) Limited, Dharmapuri Region, Bharathipuram, Dharmapuri-636 705.	. . . Respondents (in W.P.Nos.11351, 11353, 11359 & 11361 of



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Vs

1. The Collector,
Camp Office,
Erode-638 011

2. The Management,
Tamil Nadu State Transport Corporation (Covai) Limited,
Erode Region, Chennimalai Road,
Erode-638 011.

. . . Respondents
in W.P.No.11357 of 2020

Prayer in W.P.No.11351 of 2020: Writ Petition filed under Article 226 of the Constitution of India to issue an appropriate writ, order or direction, more particularly a Writ in the nature of Writ of Mandamus directing the 1st respondent to recover a sum of Rs.1,65,934/- being the arrears of gratuity and interest along with interest arrears till the date of payment from the 2nd Respondent under revenue recovery proceedings as per the Certificate vide R.No.B4/4975/2017 dated 06.12.2017 issued by the Assistant Commissioner of Labour, Salem (Controlling Authority under the payment of Gratuity Act, 1972) under Section 8 of the Payment of Gratuity Act within a stipulated time and disburse the same to the petitioner herein.

Prayer in W.P.No.11357 of 2020: Writ Petition filed under Article 226 of the Constitution of India to issue an appropriate writ, order or direction, more particularly a Writ in the nature of Writ of Mandamus directing the 1st respondent to recover a sum of Rs.74,802/- being the arrears of gratuity and interest along with interest arrears till the date of payment from the 2nd



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Respondent under revenue recovery proceedings as per the Certificate vide R.No.B4/5356/2017 dated 24.11.2017 issued by the Assistant Commissioner of Labour, Salem (Controlling Authority under the payment of Gratuity Act, 1972) under Section 8 of the Payment of Gratuity Act within a stipulated time and disburse the same to the petitioner herein.

Prayer in W.P.No.11353 of 2020: Writ Petition filed under Article 226 of the Constitution of India to issue an appropriate writ, order or direction, more particularly a Writ in the nature of Writ of Mandamus directing the 1st respondent to recover a sum of Rs.19,543/- being the arrears of gratuity and interest along with interest arrears till the date of payment from the 2nd Respondent under revenue recovery proceedings as per the Certificate vide R.No.B4/8115/2017 dated 18.12.2017 issued by the Assistant Commissioner of Labour, Salem (Controlling Authority under the payment of Gratuity Act, 1972) under Section 8 of the Payment of Gratuity Act within a stipulated time and disburse the same to the petitioner herein.

Prayer in W.P.No.11359 of 2020: Writ Petition filed under Article 226 of the Constitution of India to issue an appropriate writ, order or direction, more particularly a Writ in the nature of Writ of Mandamus directing the 1st respondent to recover a sum of Rs.2,26,508/- being the arrears of gratuity and interest along with interest arrears till the date of payment from the 2nd Respondent under revenue recovery proceedings as per the Certificate vide R.No.B4/4876/2017 dated 06.12.2017 issued by the Assistant Commissioner of Labour, Salem (Controlling Authority under the payment of Gratuity Act, 1972) under Section 8 of the Payment of Gratuity Act



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within a stipulated time and disburse the same to the petitioner herein.

Prayer in W.P.No.11361 of 2020: Writ Petition filed under Article 226 of the Constitution of India to issue an appropriate writ, order or direction, more particularly a Writ in the nature of Writ of Mandamus directing the 1st respondent to recover a sum of Rs.3,53,100/- being the arrears of gratuity and interest along with interest arrears till the date of payment from the 2nd Respondent under revenue recovery proceedings as per the Certificate vide R.No.B4/3242/2017 dated 13.06.2017 issued by the Assistant Commissioner of Labour, Salem (Controlling Authority under the payment of Gratuity Act, 1972) under Section 8 of the Payment of Gratuity Act within a stipulated time and disburse the same to the petitioner herein.

In all the Petitions:

For petitioner : M/s.K.M.Ramesh, Senior Counsel
for Mr.S.Apunu.

For Respondents : Mr.V.Manoharan,
Additional Government Pleader for

R1

: Mr.R.Babu for R2.

COMMON ORDER

Since, the issue involved in all the Writ Petitions is one and the same, all the Writ Petitions are disposed of by way of a common order.

2. The above Writ Petitions have been filed for a direction to the



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1st respondent to recover the arrears of gratuity of the petitioners in the respective Writ Petitions from the 2nd respondent along with the arrears of interest till the date of payment in the light of the certificate issued by the Assistant Commissioner of Labour, Salem under Section 8 of the Payment of Gratuity Act within the time frame that may be stipulated by this Court and disburse the same to the petitioners.

3. The petitioners were under the services of the 2nd respondent till the date of their superannuation. The grievance of the petitioners is that the 2nd respondent made only part payment of gratuity. Hence, they filed an application before the Controlling Authority under Section 10(1) of the Payment of Gratuity Act, 1972 which was allowed vide order dated 20.06.2017 with a direction to the 2nd respondent to pay the gratuity amounts to the respective petitioners as computed by the Controlling Authority. However, the 2nd respondent did not make the payment as ordered by the Controller Authority. Upon request made by the petitioner, a certificate was issued by the Controlling Authority under Section 8 of the Act requesting the 1st respondent to recover the arrears of gratuity to the



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petitioners. However, till date, no action has been taken either by the 1st respondent or by the 2nd respondent for recovery of the arrears of gratuity payable to the petitioners. Hence, the petitioners are before this Court.

4. Though very many grounds have been raised, learned counsel for the petitioners submitted that it would suffice if this Court issues a direction to the respondents to implement the order passed by the Controlling Authority for payment of arrears of Gratuity to the petitioners within the time frame that may be stipulated by this Court.

5. Learned counsel appearing for the 2nd respondent fairly submits that already the gratuity amount was paid to the petitioners and the balance amount will be paid within a period of eight weeks as ordered by the Controlling Authority, failing which, liberty may be granted to the 1st respondent to implement the gratuity certificate issued by the Controlling Authority.

6. In view of the fair submission made by the learned counsel



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for the 2nd respondent, this Court without going into the merits of the issue is inclined to direct the 2nd respondent to settle the balance of the arrears of gratuity as ordered by the Controlling Authority within a period of eight weeks from the date of receipt of a copy of this Order. Failing compliance, the 1st respondent is directed to settle the arrears of gratuity in terms of the Gratuity Certificate issued by the Controlling Authority within a period of twelve (12) weeks thereafter.

7. With the aforesaid direction, these Writ Petitions are disposed of. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No

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M.DHANDAPANI, J

NHS

To

1. The Collector,
Dharmapuri District,
Dharmapuri-636 705.
2. The Management,
Tamil Nadu State Transport Corporation (Salem) Limited,
Dharmapuri Region, Bharathipuram,
Dharmapuri-636 705.

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