



W.P.No.11659 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.11659 of 2020

R.Subramanian

... Petitioner

Vs.

1. The District Collector,
Salem District,
Salem - 636 001.

2. The Tahsildar,
District Collector compound,
Salem - 636 001.

3. The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to recover a sum of Rs.2,98,968/- being the arrears of gratuity with interest from the 3rd respondent under Revenue Recovery proceeding as per the Certificate dated 25.07.2019 issued under Section 8 of the Payment of Gratuity Act by the Assistant Commission of Labour, Salem.



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For Petitioner : Mr.G.Pugazhenth
For Respondents : Ms.C.Meera Arumugam,
For R1 and R2 : Additional Government Pleader
For R3 : No appearance

ORDER

The brief facts of the case in a nutshell are as follows:

The petitioner was working as a conductor in the Tamilnadu Transport Corporation from 06.06.1980 and he retired from service as Traffic Manager on 30.06.2015 on superannuation. Subsequently, he submitted an application in P.G.No.168/2015 before the Controlling Authority under the Payment of Gratuity Act / the Assistant Commissioner of Labour, Salem and sought for a direction for Payment of Gratuity by the 3rd respondent/Tamilnadu State Transport Corporation (Salem) Ltd. After full fledged enquiry, the Assistant Commissioner of Labour vide his orders dated 13.01.2017 directed the 3rd respondent / Transport Corporation to pay a sum of Rs.9,22,566/- towards gratuity with interest at 10% per annum from the date of retirement till the date of realization. The Assistant Commissioner of Labour, Salem also issued a



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notice dated 13.01.2017 calling upon the 3rd respondent to deposit a sum of Rs.9,22,566/- along with interest at 10% per annum within a period of 30 days. However, the 3rd respondent paid only a sum of Rs.8,10,741/- on 23.05.2017 and did not pay the balance amount of Rs.1,11,825/- along with interest at Rs.1,78,756/-.

2. Thereafter, the Controlling Authority under the Payment of Gratuity Act / the Assistant Commissioner of Labour, Salem sent a communication dated 25.07.2019 to the 1st respondent / District Collector, Salem to recover a sum of Rs.2,90,581/- inclusive of interest under the Revenue Recovery Act, from the 3rd respondent. This amount was due and payable as on 25.07.2019. On receiving the said letter, the 1st respondent sent a communication dated 17.09.2019 to the 2nd respondent/Tahsildar, Salem to recover the said amount. According to the writ Petitioner, till date no action has been taken by the 2nd respondent to recover the amount from the 3rd respondent Corporation. In this regard, the writ petitioner also submitted a representation dated 16.03.2020 to the respondents 1 and 2 to recover the amount from the



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third respondent, but it went in vain. He therefore, prayed for issuing a direction to the respondents 1 and 2 to proceed further under the Revenue Recovery Act.

3. A perusal of the orders, dated 13.01.2017 and the Communication sent by the Assistant Commissioner of Labour, dated 25.07.2019 to the District Collector, Salem shows that the 1st respondent was requested to initiate action against the 3rd respondent / Transport Corporation under the Revenue Recovery Act and the first respondent in turn had directed the 2nd respondent / Tahsildar, Salem to proceed against the 3rd respondent to recover the amount under the said Act. All these communications were sent even in the year 2019 and till date, no steps have been taken by the respondents 1 and 2 to recover the amount from the 3rd respondent. Though the Writ Petitioner had submitted a representation dated 16.03.2020 to the the first respondent to recover the amount, no action was taken.



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4. It is needless to point out that whenever a representation of this nature is made to the Statutory Authority, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, without keeping the same pending indefinitely.

5. In the circumstances, this Court directs the respondents 1 and 2 to consider the representation of the petitioner in accordance with law after giving notice to the 3rd respondent and pass orders on merits and proceed further in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of.

No costs.

05.10.2023

Index: Yes/No
Speaking/Non-Speaking order
vum



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R. HEMALATHA, J.

vum

To

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