



WEB COPY



WP.No.19666 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.19666 of 2023

D.Muthaiyan

.. Petitioner

Versus

1.The District Collector
Collectorate
Vellore District

2.The Commissioner
Villupuram Municipality
Villupuram District – 605 602

3.Controlling Authority under the Payment of Gratuity Act
Office of the Deputy Commissioner of Labour
Vellore

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to recover from the second respondent and pay the petitioner the amount of gratuity as determined by the 3rd respondent by his proceedings dated 21.12.2016 in PG.No.25 of 2016 together with applicable interest.

For Petitioner : Mr.A.Mohammed Ismail

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking to direct the respondent to implement the Order dated 21.12.2016 passed by the third respondent/Deputy Commissioner of Labour directing the first respondent to recover the gratuity amount from the second respondent and pay it to the petitioner.

2. The petitioner joined as Sanitary worker with the Villupuram Municipality on 23.03.1983, he retired from service on 29.02.2012 on superannuation. Despite, he has put in a continuous service for almost 29 years, without any remarks, the gratuity has not been paid at the time of retirement. Hence, the petitioner has moved before the third respondent in PG.No.25 of 2016 seeking for a direction to the second respondent to pay the gratuity. The third respondent vide detailed order dated 21.12.2016 directed the second respondent to pay the gratuity to the petitioner. However, no action is taken till now.

3. Such view of the matter, as the gratuity is a statutory due and it has been withheld despite the Orders of the third respondent as early as on 21.12.2016. Hence, the first respondent is directed to recover the gratuity amount from the second respondent and pay the same to the petitioner within a period of one month from the date of receipt of a copy of this Order.



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4. Accordingly, this writ petition stands disposed of. No costs.

05.07.2023

dhk

Index: Yes/No

Internet: Yes/No

To

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N.SATHISH KUMAR, J.



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