



W.P.No.23131 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.23131 of 2023

K.Swaminathan

...Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Managing Director,
Tamilnadu State Transport Corporation (Salem) Ltd,
Dharmapuri Zone,
Barathipuram,
Dharmapuri-636705.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ order or direction in the nature of a writ or direction directing the 1st respondent to recover the amount as per the certificate issued on 29.03.2021 by the Deputy Commissioner of Labour, Salem as on date and to remit the same as per the certificate apart from any other damages for the sufferings caused to the petitioner by negligent act of the 2nd respondent.

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For Respondents : Mr.K.Raja for R2.

ORDER

This Writ Petition has been filed for a direction to the 1st respondent to recover the arrears of gratuity of the petitioner from the 2nd respondent along with the arrears of interest 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 petitioner.

2. Mr.K.Raja, learned counsel takes notice on behalf of the 2nd respondent.

3. The petitioner worked as a senior conductor in the 2nd respondent corporation and retired from service on 31.12.2012 after attaining superannuation, however, the petitioner was not settled with his gratuity amount in full. Aggrieved by the same, the petitioner filed an application



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before the Controlling Authority claiming balance amount of gratuity and the same was allowed vide order dated 13.05.2019 with a direction to the 2nd respondent to pay the balance gratuity amount to the petitioner to an extent of Rs.13,302/- along with interest at the rate of 10% per annum from 01.02.2013 till the date of realization. Since, the 2nd respondent did not make the payment as ordered by the Controlling Authority and upon request of the petitioner, the controlling authority issued a certificate on 29.03.2021 under Section 8 of the Act to the 1st respondent to recover the arrears of gratuity from the 2nd respondent and pay the same to the petitioner. In this regard, till date, no action has been taken by the respondents. Hence, the petitioner is 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 certificate dated 29.03.2021 issued by the Controlling Authority for payment of arrears of Gratuity to the petitioner within the time frame that may be stipulated by this Court.



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5. On the above contention, this Court heard the learned counsel appearing for the 2nd respondent.

6. In view of the limited relief sought for by the petitioner, this Court without going into the merits of the issue directs the 2nd respondent to settle the balance of the arrears of gratuity as ordered by the Controlling Authority to the petitioner within a period of four weeks from the date of receipt of a copy of this Order. Failing compliance, the 1st respondent is directed to recover the arrears of gratuity in terms of the Gratuity Certificate issued by the Controlling Authority within a period of four (4) weeks thereafter and pay the same to the petitioner.

7. With the aforesaid direction, this Writ Petition stands disposed of.
There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
NHS



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M.DHANDAPANI,J.

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