



W.P.No.25910 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.25910 of 2021

R.Sountharapandian

... Petitioner

Vs.

1. The District Collector,
Krishnagiri,
Krishnagiri District

2. The Managing Director,
Aathiyaman College of Engineering,
Dr.M.G.R. Nagar,
Krishnagiri District – 635 109

...Respondents

Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus by directing the 1st respondent to recover the amount as per the certificate dated 04.08.2021 issued 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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W.P.No.25910 of 2021

For Petitioner : Mr.R.Dilli Kumar

For Respondents : Mrs.Akila Rajendran
Government Advocate for R1
Mr.C.Munusamy for R2

ORDER

Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1st respondent and the learned counsel for the 2nd respondent.

2. The present Writ Petition has been filed for issuance of a Writ of Mandamus by directing the 1st respondent to recover the amount, as per the certificate dated 04.08.2021 issued 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.

3. According to the petitioner, he was employed as Assistant Librarian in the 2nd respondent college and resigned from service on 30.06.2018 after performing nearly 20 years of service. As per the provisions of the Payment of Gratuity Act, 1972, the 2nd respondent ought



W.P.No.25910 of 2021

to have paid the gratuity amount to the petitioner within 30 days from the date of retirement with due intimation to the petitioner. Since the 2nd respondent refused to pay the gratuity amount to the petitioner, the petitioner approached the Deputy Commissioner of Labour, who is also acting as the Controlling Authority to try the cases relating the gratuity matters. On due process of law, the Controlling authority passed an order on 09.12.2020 directing the 2nd respondent to pay Rs.1,93,350/- with 10% interest from 01.07.2018 to till the date of realisation. The controlling authority served a notice to the 2nd respondent to pay the due amount with interest. Even after receipt of the notice, the 2nd respondent neglected to pay the amount. Further, the controlling authority issued a certificate to the 1st respondent for recovery of the due amount as on date from the 2nd respondent and to remit the same to the Deputy commissioner of Labour, Salem so as to pay the same to the petitioner. Since the respondents are not performing their duties, the petitioner has come up with the present Writ Petition.

4. On a perusal of the records it is seen that on earlier occasion, viz., 20.03.2023, this Court directed the learned Government Pleader appearing for the 1st respondent to verify the status of the proceedings



W.P.No.25910 of 2021

initiated under the Revenue Recovery Act with regard to the dues to be settled to the petitioner, however, there was no response and again, on 09.06.2023, this Court directed the concerned Revenue Officer to appear before this Court on 19.06.2023.

5. Today, when the petition is taken up for hearing, a Demand Draft No.723571 dated 23.06.2023 for a sum of Rs.1,93,350/- drawn by the 2nd respondent in favour of Deputy Commissioner of Labour, Salem is submitted by the Tahsildar, Hosur to the learned Government Advocate appearing for the 1st respondent and the same is handed over to the Deputy Commissioner of Labour, Salem towards the settlement of the gratuity amount of the petitioner.

6. Considering the above said facts and circumstances of the case and taking note of the fact that the gratuity amount, viz., Rs.1,93,350/- has been received by the Deputy Commissioner of Labour, Salem, this Court is inclined to direct the Deputy Commissioner of Labour to disburse the said amount to the petitioner within a period of four weeks from the date of receipt of copy of this order.



W.P.No.25910 of 2021

In view of the above, the present Writ petition is disposed of. No costs.

27.06.2023

Index : Yes/No
Internet : Yes/No
Speaking order / non speaking order
ssd

To

1. The District Collector,
Krishnagiri,
Krishnagiri District
2. The Managing Director,
Aathiyaman College of Engineering,
Dr.M.G.R. Nagar,
Krishnagiri District – 635 109



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W.P.No.25910 of 2021

V.BHAVANI SUBBAROYAN, J.,

ssd

W.P.No.25910 of 2021

27.06.2023