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W.P.Nos.28752, 28754 and 28756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

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

W.P.Nos.28752, 28754
and 28756 of 2023

S.Kartik Chandra Rout	... Petitioner in W.P.No.28752 of 2023
P.Kubendran	... Petitioner in W.P.No.28754 of 2023
Keith Doll	... Petitioner in W.P.No.28756 of 2023

Vs.

1. The District Collector,
Collectorate,
Chennai District,
Chennai.

2. The Tahsildar,
Purasawakam Taluk,
Chennai.

3. M/s.Choudary Technical Ship Services Private Ltd.,
Administrative Office at
No.72, 2nd Floor, Room No.3,
Moore Street,
Chennai - 600 001.

... Respondents in all W.Ps.



W.P.Nos.28752, 28754 and 28756 of 2023

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the Respondents 1 and 2 to take appropriate proceedings against the 3rd respondent, Management to recover the amount payable as per the proceedings of the Deputy Commissioner of Labour-I, (Controlling Authority under the Payment of Gratuity Act), Chennai in D/4068/2022, dated 03.03.2023 in P.G.No.56 of 2021, P.G.No.209 of 2021 and P.G.No.55 of 2021 within the time frame fixed by this Court.

For Petitioner : Mr.T.Ramkumar
in all W.Ps.

For Respondents
For R1 and R2 : Mr.M.Shajahan,
in all W.Ps. Special Government Pleader

COMMON ORDER

The petitioners viz., S.Kartik Chandra Rout, P.Kubendran and Keith Doll were working in 3rd respondent company namely M/s.Choudary Technical Ship Services Private Limited since 01.08.1995, 01.11.1992 and 01.04.1994 respectively and they have put in continuous service of more than 24 years and subsequently resigned their jobs. At the time of getting relieved, the wages for the purpose of calculating gratuity were Rs.17,944/-, Rs.22,783/- and Rs.11,330/- respectively.



W.P.Nos.28752, 28754 and 28756 of 2023

WEB COPY

Though the petitioners made several representations to the 3rd respondent to pay the gratuity amount to them, the 3rd respondent Management did not pay their gratuity. Therefore, the petitioners approached the Deputy Commissioner of Labour -I, (Controlling Authority under the Payment of Gratuity Act), Chennai by way of filing applications under Section 7 (4) of the Payment of Gratuity Act claiming gratuity and the petitions were numbered as P.G.No.56 of 2021, P.G.No.209 of 2021 and P.G.No.55 of 2021 .

2. The Deputy Commissioner of Labour -I, (Controlling Authority under the Payment of Gratuity Act), Chennai after hearing both the parties, allowed the applications and quantified the amount of gratuity payable by the Management to the petitioners. As per the orders of the Deputy Commissioner of Labour -I, (Controlling Authority under the Payment of Gratuity Act), Chennai, the 3rd respondent has to pay gratuity of Rs.2,08,808/-, Rs.3,54,889/- and Rs.1,69,950/- to the Writ petitioners respectively. Despite the orders passed by the the Deputy Commissioner of Labour -I, (Controlling Authority under the Payment of



W.P.Nos.28752, 28754 and 28756 of 2023

Gratuity Act), Chennai, the 3rd respondent Management did not pay any amount and the 3rd respondent also did not prefer an appeal against the orders passed under Section 7 (4) of the Payment of Gratuity Act. Hence, the orders passed in P.G.No.56 of 2021, P.G.No.209 of 2021 and P.G.No.55 of 2021 have become final.

3. Subsequently, since no amount was forthcoming from the 3rd respondent/Management, the petitioners submitted a representation dated 15.07.2022 before the the Deputy Commissioner of Labour -I, (Controlling Authority under the Payment of Gratuity Act), Chennai to take appropriate steps for recovery of amount payable to them with interest, pursuant to which, a show cause notice, dated 15.07.2022 was issued to the 3rd respondent / Management by the Deputy Commissioner of Labour -I, (Controlling Authority under the Payment of Gratuity Act), Chennai to settle the gratuity as per the orders passed in P.G.No.56 of 2021, P.G.No.209 of 2021 and P.G.No.55 of 2021. In the said notice, it was specifically mentioned that if the Management fails to comply with the orders, appropriate proceedings would be initiated under Section 8



W.P.Nos.28752, 28754 and 28756 of 2023

r/w. Rule 9 of the Payment of Gratuity Act and also under Revenue Recovery Act. The 3rd respondent Management even after receiving the said notice, failed to comply with the orders.

4. Thereafter, the Deputy Commissioner of Labour -I, (Controlling Authority under the Payment of Gratuity Act), Chennai issued a certificate for recovery on 03.03.2023 and requested the 1st respondent, District Collector, Chennai to recover the amount from the 3rd respondent Management in accordance with the provisions of Revenue Recovery Act. The 1st respondent vide his proceedings in R.C.No.G3/6252/23, dated 20.03.2023, authorised the 2nd respondent under Section 5 of the Tamilnadu Revenue Recovery Act to recover the Gratuity amount with interest by invoking the provisions of the said Act. However, the 2nd respondent, Tahsildar, Purasawakam Taluk, did not take any action till date.

5. Mr.T.Ramkumar, learned counsel for the petitioners contended that the writ petitioners are entirely depending on their



W.P.Nos.28752, 28754 and 28756 of 2023

retirement benefits and that they do not have any other source of income.

According to him, the representations to the respondents 1 and 2 on 15.07.2022 evoked no response.

6. It is seen from the records that as per the requisition letter of the Deputy Commissioner of Labour -I, (Controlling Authority under the Payment of Gratuity Act), Chennai, the District Collector, Chennai had directed the 2nd respondent/Tahsildar, Purasawakam Taluk to proceed under the Revenue Recovery Act against the 3rd respondent and recover the amount of Rs.2,08,808/-, Rs.3,54,889/- and Rs.1,69,950/- from them. The proceedings were issued by the 1st respondent on 03.03.2023.

7. In the circumstances, the District Collector, Chennai is directed to consider the representations of the petitioners after issuing notice to the 3rd respondent/Management and pass orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order in accordance with law.



W.P.Nos.28752, 28754 and 28756 of 2023

8. With the above direction, this Writ Petitions are disposed of.

WEB COPY

No costs.

05.10.2023

Index: Yes/No

Speaking/Non-Speaking order
vum

To

1. The District Collector,
Collectorate,
Chennai District,
Chennai.
2. The Tahsildar,
Purasawakam Taluk,
Chennai.



WEB COPY



W.P.Nos.28752, 28754 and 28756 of 2023

R. HEMALATHA, J.

vum

W.P.Nos.28752, 28754
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