



W.P.No.31020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31020 of 2023
and WMP.No.30670 of 2023

V. Sridharan

... Petitioner

Vs.

1.The Managing Director,
Pallavan Transport Consultancy
Services (PTCS) Limited,
IRT Campus,
100 feet Road, Tharamani,
Chennai – 600 113.

2.V. Amudha Selvan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 1st respondent from disbursing the gratuity amount to the 2nd respondent till the 2nd respondent comply with the decree passed in O.S.No.207/2021 on the file of Additional Sub-Court, Namakkal on 06.10.2023.

For Petitioner : Mr.M. Sridhar

For Respondents : Mr.R. Balaji,
Standing Counsel [R1]
Mr.S. Marshall [R2]



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ORDER

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Heard the learned counsel for the petitioner, learned Standing Counsel for the first respondent, as well as the learned counsel for the second respondent.

2. After having obtained the judgment and decree from the Civil Court in O.S.No.207 of 2021 dated 06.10.2023, for recovery of money due on pro note, against the second respondent herein, the petitioner now seeks for recovery of the money from the retirement benefits of the second respondent.

3. The decree amount, if not settled by the second respondent herein, can be recovered only through execution proceedings before the concerned Civil Court and this Court, will not exercise its powers under Article 226 of the Constitution of India, to direct the first respondent to consider the petitioner's representation, seeking for such a recovery.

4. This apart, the gratuity payable to a Government employee cannot be a subject matter of attachment or recovery since the same is protected under the provisions of Payment of Gratuity Act, from such recovery. If at



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all, the petitioner is of the view that the second respondent requires to pay the amount under the decree, liberty is hereby granted to file an appropriate Execution Petition before the concerned Civil Court.

5. With the above liberty, the Writ Petition stands closed. No costs.

Connected miscellaneous petition is also closed.

07.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

The Managing Director,
Pallavan Transport Consultancy Services (PTCS) Limited,
IRT Campus,
100 feet Road, Tharamani,
Chennai – 600 113.



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M.S.RAMESH,J.

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