



W.P.No.33470 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

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

W.P.No.33470 of 2023

D.Karunakaran

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri.

3.The Managing Director,
Tamilnadu State Transport Corporation
(Salem) Ltd.,
Dharmapuri Zone,
Barathipuram,
Dharmapuri -05.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to recover the amount as per the certificate issued on 21.02.2023 by the Deputy Commissioner of Labour, Salem.



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For Petitioner : Mr.R.Dillikumar
For RR1 & 2 : Mr.M.Shahjahan, SGP
For R3 : Mr.K.Raja, Standing Counsel

ORDER

The grievance of the writ petitioner is that though the Additional Labour Commissioner, Coimbatore vide orders dated 23.02.2022 in A.P.G.No.43/2021 directed the third respondent Management to pay him a sum of Rs.81,776/- towards arrears of gratuity amount and interest @ 10% on gratuity amount of Rs.6,98,622/- from 01.09.2013 after deducting a sum of Rs.1,20,285/- within 30 days from the date of receipt of a copy of the orders, the third respondent Management did not pay the said amount to the writ petitioner till date. Thereafter, based on applications filed by the writ petitioner, the Controlling Authority issued a certificate dated 21.02.2023 to the first respondent District Collector, Dharmapuri under Section 8 of the Payment of Gratuity Act requesting the latter to recover a sum of Rs.1,52,859/- from the third respondent under the Revenue Recovery Act. The details of the amount payable by the third respondent as found in the said certificate is extracted hereunder :



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<i>Arrears of Interest Amount</i>		
Balance amount payable as per the appeal order	Rs.81,776/-	
Amount deposited by the Management	Rs.94,427/-	
Balance amount (for interest)	Rs.12,651/-	
Interest amount already paid by the Management	Rs.1,20,285/-	
Total interest amount to be paid by the Management	Rs.2,85,795/-	
Total interest amount paid by the Management	Rs.1,32,936/-	
Arrears of interest to be paid by the Management	Rs.1,52,859/-	Rs.1,52,859/-

Though this certificate was issued as early as on 21.02.2023, the first respondent did not take any action and therefore, the petitioner has filed the present writ petition.

2. Mr.M.Shahjahan, learned Special Government Pleader accepts notice for the respondents 1 & 2 and Mr.K.Raja, learned Standing Counsel accepts notice for the third respondent.

3. Mr.K.Raja, learned Standing Counsel for the third respondent would contend that as per the orders passed by the Additional Labour Commissioner, Coimbatore, they are in the process of paying the amount to the writ petitioner.

4. In the circumstances, the first respondent is directed to



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recover the amount, as per the certificate issued on 21.02.2023 by the Deputy Commissioner of Labour, Salem, from the third respondent Management and credit the same to the account of the Deputy Commissioner of Labour, Salem within a period of six weeks from the date of receipt of a copy of this order.

5. With the above observation, this Writ Petition is disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

mtl

To

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Dharmapuri Taluk,
Dharmapuri.

3.The Managing Director,
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R. HEMALATHA, J.



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