



W.P(MD)No.5294 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5294 of 2023
and
W.M.P(MD)No.4968 of 2023

Seelan

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Collectorate,
Dindigul.
- 2.The Assistant Director of Panchayats,
Office of the Assistant Director of Panchayats,
Dindigul.
- 3.The Block Development of Officer,
Gujiliyamparai Union,
Gujiliyamparai,
Vedasanthur Circle,
Dindigul.
- 4.The Village President,
D-Gudalur Panchayat,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the impugned proceedings issued by the third respondent in Na.Ka.No.1916/17/Thi 3 dated 06.01.2023 and quash the same as illegal and consequently directing the respondents 1 to 3 to pay the Gratuity Amount to the petitioner of a sum of Rs. 59,608/- by following the Award passed by the learned Deputy Commissioner of Labour, Dindigul in PG 7/2021 dated 11.7.2022 within the time stipulated by this Court.

For Petitioner : Mr.R.Varadharajan

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader
for R.1 & R.2

Mr.J.Ashok
Additional Government Pleader
for R.3 & R.4

ORDER

Heard the learned counsel on either side.

2.The petitioner had worked as overhead tank operator in the fourth respondent Panchayat. He retired on 31.03.2019. Claiming that he must be paid gratuity, he filed petition before the controlling authority. P.G.7/2021 filed by the petitioner was allowed on 11.07.2022. When he approached the local body for settlement of his dues, the third respondent sent communication to the fourth respondent calling upon him to file an appeal before the appellate authority. It was also stated therein that there is no provision for paying



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gratuity amount in the Tamil Nadu Panchayats Acts, 1994. Questioning the said communication, the present writ petition has been filed.

3.It is true as pointed out by the learned Additional Government Pleader that the petitioner cannot question an inter-departmental communication between the third respondent and the fourth respondent. But the communication has been marked to the petitioner and adverse stand has been set out therein. The petitioner cannot be faulted for having filed this writ petition. However, without setting aside the same, I permit the petitioner to move the Controlling Authority for enforcing the order dated 11.07.2022 made in P.G.7/2021. The controlling authority will dispose of the same on merits and in accordance with law within a period of three months thereafter.

4.With this liberty to the petitioner and direction to the controlling authority under Payment of Gratuity Act, 1972, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

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