



W.P.(MD)No.10438 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.10438 of 2018

N.P.S.Nair

Vs.

... Petitioner

1.The District Collector,
Civil Lines, Nagpur,
Maharashtra State.

2.M/s.Jantha Road Lines,
33, Central Avenue Road,
Nagpur-440 018,
Maharashtra State.

3.M/s.Jantha Road Lines,
Door No.124, Park Road,
Erode-3.

4.The Regional Commissioner of Labour,
(Central),
New No.5, Old No.1A, (2nd Floor),
Lady Doak College Road,
Chinna Chokkikulam,
Madurai-2.

... Respondents



W.P.(MD)No.10438 of 2018

(R3 and R4 are impleaded vide order dated 02.03.2023 made in W.M.P(MD).No.12741 of 2018 in W.P(MD).No.10438 of 2018)

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to recover a sum of Rs.1,23,940/- (Rupees One Lakh Twenty Three Thousand Nine Hundred and Forty only) from the second respondent.

For Petitioner : No-appearance

For Respondents : No-appearance

ORDER

This Writ Petition has been filed to direct the first respondent to recover a sum of Rs.1,23,940/- (Rupees One Lakh Twenty Three Thousand Nine Hundred and Forty only) from the second respondent.

2. The case of the petitioner is that the petitioner has joined the second respondent as Branch in-charge on 01.07.1979 and resigned from the Organization on 01.09.2010. However, the petitioner was denied the gratuity amount. Hence, he filed an application before the fourth



W.P.(MD)No.10438 of 2018

WEB COPY

respondent to recover his eligible gratuity amount. Pursuant to the same, the fourth respondent, vide order dated 31.10.2016, has directed the second respondent to pay a sum of Rs.68,856/- with interest at 10% per annum to the petitioner. However, the second respondent has not paid the amount. Hence, he has approached the fourth respondent again and obtained an order under the Revenue Recovery Act directing the first respondent to recover the said amount from the second respondent. But, the first respondent has not executed the said order. Hence, the present writ petition has been filed.

3. Neither the petitioner nor the respondents is present before this Court either through in person or through counsel to prosecute the matter.

4. The facts in the present case are not in dispute. Admittedly, the petitioner has filed an gratuity application in G.A.No.5 of 2016 before the fourth respondent claiming gratuity amount and the fourth respondent, vide order dated 31.10.2016, directed the second respondent to pay a sum of Rs.68,856/- (Rupees Sixty Eight Thousand Eight



W.P.(MD)No.10438 of 2018

WEB COPY

Hundred and Fifty Six only) with interest at 10% per annum to the petitioner. However, the second respondent has not paid the amount. Therefore, he again approached the fourth respondent, who has directed the first respondent to recover the said amount from the second respondent, vide order, dated 13.02.2017. However, the first respondent has not implemented the said order till date. Hence, this Court directs the first respondent to implement the order of the fourth respondent, dated 13.02.2017, within a period of 12 weeks from the date of receipt of a copy of this order, after providing opportunity to the second respondent.

5. Accordingly, this Writ Petition is disposed of. No costs.

02.03.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No



W.P.(MD)No.10438 of 2018

WEB COPY

To

- 1.The District Collector,
Civil Lines, Nagpur,
Maharashtra State.
- 2.M/s.Jantha Road Lines,
33, Central Avenue Road,
Nagpur-440 018,
Maharashtra State.
- 3.M/s.Jantha Road Lines,
Door No.124, Park Road,
Erode-3.
- 4.The Regional Commissioner of Labour,
(Central),
New No.5, Old No.1A, (2nd Floor),
Lady Doak College Road,
Chinna Chokkikulam,
Madurai-2.



WEB COPY



W.P.(MD)No.10438 of 2018

M.DHANDAPANI,J.

ssb

W.P.(MD)No.10438 of 2018

02.03.2023