



W.P(MD)No.10966 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10966 of 2015

V.Kasi Nathan @ Kasi Rajan

... Petitioner

Vs.

1.The Payment of Gratuity Act Controlling Officer,
(Assistant Labour Commissioner),
Office of the Deputy Commissioner of Labour,
Madurai.

2.The District Collector,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai South,
Madurai District.

4.The Revenue Inspector,
Madurai (West),
Madurai District.

5. M/s.Sharmila Garments,
Rep by its Management,
No.71,South Marret Street,
Madurai-1.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 4 to recover the amount due to the petitioner as per the order of the 1st respondent dated 01.11.2004 in P.G. No.140 of 2004, under Revenue Recovery Act within the time stipulation as prescribed by this Court.

For Petitioner : Mr.M.Pitchai Muthu

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 to R4.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the official respondents.

2.The learned counsel for the petitioner states that he has not been able to get instructions from the writ petitioner. This writ petition also suffers from a fundamental defect. As against the fifth respondent, this petition was dismissed for default and it has not been set aside till date.



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3.Be that as it may, the records indicate that the writ petitioner succeeded in gratuity claim in P.G.No.140 of 2004 on the file of the Deputy Commissioner of Labour, Madurai. The management was directed to pay a sum of Rs.47,250/- together with interest to the petitioner. It is the duty of the revenue authorities to ensure that the gratuity order is enforced and the money is paid to the claimant. These are statutory duties. The petitioner being a poor workman should not have been made to come to this Court. Even if as against the fifth respondent this writ petition has been dismissed, still this Court is entitled to direct the respondents 2 to 4 to take steps.

4.This writ petition can be disposed of by directing the respondents 2 to 4 to take steps under Revenue Recovery Act for recovering the amount due to the petitioner under order dated 01.11.2004 passed in P.G.No.140 of 2004 on the file of the Deputy Commissioner of Labour, Madurai. Assuming that the claimant is not available, it is the duty of the authorities to pay the gratuity dues to his legal heirs. It is also the duty of the revenue authorities to find out the current whereabouts of the owner of Sharmila Garments. This is a personal liability and therefore action



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can very well be taken personally against the owner of Sharmila Garments. The entire process shall be concluded within a period of five months from the date of receipt of a copy of this order.

5.This writ petition allowed on these terms. No costs.

24.07.2023

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

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