



W.P.No.3610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.No.3610 of 2024

N.Shankar

... Petitioner

Vs.

1.The District Collector
(Office of Collectorate)
Rajiji Salai
Chennai 600 001.

2.The Tahsildar
(Guindy Taluk)
69/40, Anna Salai
Little Mount
Guindy
Chennai 600 032.

3.N S Rama Rao Body Works
No.54, GST Road
Guindy
Chennai 600 032.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to take steps and



W.P.No.3610 of 2024

pay under Section 5 of the Tamil Nadu Revenue Recovery Act, 1864, against 3rd respondent/NS Rama Roa Body Works, to recover Rs.1,24,615/- with 15% compound interest payable to the petitioner and to order any other remedy as this Court.

For Petitioner : Ms.S.Thamizharasi

For Respondents : Mr.R.U.Dinesh Rajkumar
for R1 & R2
Additional Government Pleader
R3- No appearance

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus, directing the respondents 1 & 2 to take steps and pay under Section 5 of the Tamil Nadu Revenue Recovery Act, 1864 against the third respondent/NS Rama Rao Body Works to recover Rs.1,24,615 with 15 percent compound interest payable to the petitioner and to order any other remedy as this Court may deem fit.



W.P.No.3610 of 2024

2. It is submitted by the learned counsel for the petitioner that the petitioner was employed as a Welder with the third respondent herein and he worked from 10.08.1994 to 31.07.2021 for 27 years and retired from service on 31.07.2021 after attaining the age of superannuation. His last drawn salary was Rs.31,968/-

3. The third respondent management did not pay him the gratuity till date, though the petitioner retired on 31.07.2021. The petitioner issued a legal notice on 28.09.2021 now even there is no response, thereby the petitioner filed PG.Case.No.10 of 2022 against the third respondent. The said petition was allowed by the controlling Authority under the payment of Gratuity Act, 1972 and the Deputy Commissioner of Labour in charge, Chennai, in his orders dated on 20.06.2022 has determined the gratuity amount of Rs.1,24,615/- with 10% interest and further directions were given to pay the said amount within 30 days from the date of receipt of the said order.



W.P.No.3610 of 2024

4. By letter from the Deputy Commissioner of Labour (in-charge)

Chennai, Lr.No.D1/4562/22 dated 18.01.2023, the Deputy Commissioner of Labour (in-charge), Chennai in P.G.Case No.10/2022 has requested the Deputy Collector to recover the gratuity amount of Rs.1,24,615/- with 15% compound interest payable to the petitioner by the third respondent. By letter in R.C.No.G3/1820/23 dated 17.02.2023, the District Collector has authorized Tahsildar/second respondent to recover the above said amount from the defaulter by invoking the provisions of Revenue Recovery Act.

5. It is submitted that even after lapse of four months, the second respondent has not taken any steps to recover the above said amount from the defaulter. Therefore, he sought for direction.

6. The learned Additional Government Pleader appearing for the respondents 1 & 2 has taken notice and submitted that the respondents will certainly initiate steps shortly on or before 28.06.2024.

7. Accordingly, this Writ Petition is disposed of directing the



W.P.No.3610 of 2024

second respondent to revisit the process of recovery under Section 5 of the Revenue Recovery Act as entrusted on the Thasildar, from the third respondent, as expeditiously as possible but not later than 28.06.2024. No costs.

16.04.2024

Index : Yes / No
Internet : Yes / No
dna

To

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Dr.D.NAGARJUN, J.



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W.P.No.3610 of 2024

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W.P.No.3610 of 2024

16.04.2024