



W.P.No.9114 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.No.9114 of 2024

R.Varadarajan

... Petitioner

Vs.

1.The District Collector
Salem District.

2.The Deputy Commissioner of Labour
Controlling Authority under the Payment of
Gratuity Act
Salem.

3.The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road
Salem 636 007.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein namely the District Collector, Salem District to implement the order of the second respondent namely controlling Authority/Deputy Commissioner of Labour, Salem under the Payment of Gratuity Act, 1972 through proceedings in



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Na.Ka.No.4/1383/2023 20.11.2023 and further direct the first respondent herein to collect the amount of Rs.3,19,932/- from the third respondent herein under Revenue Recovery Act and to disburse the same to the petitioner herein within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
for R1 & R2
Mr.K.Raja, for R3
Standing Counsel

ORDER

This Writ Petition is filed for issuance of Writ of Mandamus to the first respondent herein namely, District Collector to implement order of the second respondent vide proceedings in Na.Ka.No.A4/1383/2023 dated 20.11.2023 to recover Rs.3,19,932/- from the third respondent under Revenue Recovery Act and pay the same to the petitioner.

2. The second respondent has to pay Rs.10,02,185/- towards gratuity out of which the third respondent has paid Rs.9,45,785/- levying a



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balance of Rs.56,400/-. In respect of the balance amount of Rs.56,400/-, the petitioner filed P.G.No.174/2021 on the file of the Controlling Authority, Salem under the Payment of Gratuity Act, 1972 and the said P.G.No.174/2021 was allowed directing the third respondent to pay the said amount. Aggrieved by the said order, the third respondent preferred an appeal in P.G.A.No.53 of 2022 on the file of the Additional Commissioner of Labour (In Charge), Coimbatore. However, the said appeal was also dismissed on 28.10.2021.

3. In spite of passing orders, the third respondent has failed to pay a sum of Rs.56,400/- and also interest to the tune of Rs.3,19,932/-. Therefore, the petitioner has approached the second respondent, who in turn passed the orders directing the District Collector/first respondent to take steps to collect the said amount of Rs.56,400/- and Rs.3,19,932/- towards interest under Revenue Recovery Act. Since the first respondent/District Collector has not obliged to the said order, this Writ Petition is filed seeking Mandamus.



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4. When the matter is taken up for hearing, Mr.Raja learned counsel representing the third respondent submitted that in the year 2022 itself by way of a cheque, the balance amount to the tune of Rs.56,400/-was deposited and the said amount was also withdrawn by the petitioner and in respect of the interest of Rs.3,19,932/- the third respondent raised a dispute and filed a Writ Petition in W.P.No.33918 of 2023 and in the said writ petition, notice was ordered to the petitioner herein and the petitioner made appearance and the same is pending before this Court.

5. The learned Additional Government Pleader appearing for the respondents 1 & 2 is present and submitted his arguments.

6. It is surprising to note to record that the petitioner who took notice in W.P.No.33918 of 2023, filed by the third respondent challenging the demand of interest of Rs.3,19,932/- by the petitioner has approached this Court and filed WP.No.33918 of 2023. When the third respondent challenging the levy of interest and the matter is under consideration of this



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Court in another Writ Petition, the petitioner ought not to have approached this Court until the disposal of the said Writ Petition.

7. In view of the above, there are no merits to the petitioner at this point of time. Therefore, this petition is dismissed by giving liberty to the petitioner to approach this Court for the same relief in case of W.P.No.33918 of 2023 is decided against the third respondent.

8. Accordingly, this Writ Petition is dismissed. No costs.

04.04.2024

Index : Yes / No
Internet : Yes / No
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Dr.D.NAGARJUN, J.

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To

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