



W.P.No.9434 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.9434 of 2024
and
W.M.P.No.10436 of 2024

1. P.Palaniammal
2. R.Sarasu
3. R.Lalitha
4. M.Rangathaal
5. N.Mani
6. N.Kuppathaal
7. C.Maragatham
8. G.Jothimani
9. K.Kaliammal
10. M.Maragatham

... Petitioners

Vs.

1. The Controlling Authority under the payment of Gratuity Act, 1972 and the Deputy Commissioner of Labour, O/o Joint Commissioner of Labour, Coimbatore – 641 018.
2. The Management, C.R.Spinner, Subramaniampalayam, G.N.Mills Post, Coimbatore – 641 029.
3. The District Collector,



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Coimbatore District,
Coimbatore.

...Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to issue a certificate under Section 8 of the Payment of Gratuity Act, 1972, to recover the gratuity amount payable to the petitioners along with interest at 10% from the date it became payable to the petitioners as per common order dated 31.05.2023 in G.A.Nos.424 to 433 of 2015 passed by the first respondent within stipulated period and consequently direct the third respondent to recover the amount.

For petitioners	:	Mr.K.M.Ramesh Senior Advocate for V.Subramani
For R1 & R3	:	Mr.R.U.Dinesh Rajkumar Additional Government Pleader
For R2	:	No appearance

ORDER

This writ petition has been filed seeking for a direction to the first respondent to issue a certificate under Section 8 of the Payment of Gratuity Act, 1972, to recover the gratuity amount payable to the petitioners along with interest at 10% from the date it became payable to the petitioners as per common order dated 31.05.2023 in G.A.Nos.424 to 433 of 2015 passed by the



first respondent within stipulated period and consequently direct the third respondent to recover the amount.

2. The learned Additional Government Pleader has taken notice for the respondents one and three.

3. It is submitted by the learned counsel for the petitioner that all the petitioners were employed in the second respondent management in various capacities and that came to end on various dates. The petitioners are entitled for payment of gratuity as per the provisions of Payment of Gratuity Act, 1972. The second respondent has failed to pay the gratuity as per the *ibid*. The petitioners have approached the first respondent, the Controlling authority, for issuing a direction to the second respondent to pay gratuity. The first respondent has conducted enquiry and passed a common order dated 31.05.2023 holding that the petitioners were entitled to payment of gratuity and determined the amount payable to each of the petitioners and directed the second respondent to pay the said amount along with interest at the rate of 10% per annum from the date of amount became due and no appeal has been preferred against the said orders of the first respondent management. The



second respondent management has not made payment within 30 days of the said order. All the petitioners have sent individual representations and made oral request to the first respondent to recover the gratuity amount payable to them as per the common order passed.

4. As per Section 8 *ibid*, the Collector is authorized person to issue proceedings under Revenue Recovery Act. Accordingly, there was a confusion in the Coimbatore district as to whether the Joint Commissioner of Labour is authorized to initiate recovery proceedings under the Revenue Recovery Act for recovery of gratuity. It is further submitted inspite of making several requests, the first respondent has failed to issue certificates under Section 8 of the Payment of Gratuity Act.

5. The learned Additional Government Pleader who has taken notice for the first and third respondents has submitted that as per Payment of gratuity Act, 1972 the first respondent has to issue certificate under Section 8 to the petitioners and once the certificate is given, the petitioners have to approach the District Collector who will have to initiate the proceedings under the Revenue Recovery Act for recovery of gratuity.



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6. Heard both sides and perused the materials available on record.

7. This Court finds no reason as to why the certificate under Section 8 of the Payment of Gratuity Act is denied to the petitioners for recovery of gratuity. Considering the submissions made by both sides and on perusal of the records, this writ petition is disposed of at the admission stage itself directing the first respondent to issue certificate under Section 8 of the Payment of Gratuity Act, 1972 “ in case if the petitioners are eligible” for recovery of gratuity amount payable to them along with 10 % interest from the date it became payable to the petitioners as per common order dated 31.05.2023 in G.A.Nos.424 to 433 of 2015 within a period of four weeks from the date of receipt of a copy of this order. Subsequently, the third respondent District Collector shall initiate proceedings for recovery of gratuity under Recovery of Revenue Act within a period of six months from the date of issuance of certificate under Section 8 *ibid*.

8. Accordingly, this writ petition is disposed of at the admissions stage itself with the above directions. Connected W.M.P is closed. Costs



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Citation : Yes/No

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2. The District Collector, Coimbatore District, Coimbatore.

DR. D.NAGARJUN,J.

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