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W.P.No.11076 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

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

W.P.No.11076 of 2024

C.Kannusamy

... Petitioner

Vs.

1. The District Collector,
Erode District,
Erode.

2. The Management,
Tamil Nadu State Transport Corporation (Covai) Ltd.,
Senni Malai Road Erode, Region,
Erode – 2.

...Respondents

PRAYER :Writ Petition 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.3,90,332/- being the arrears of gratuity and interest arrears calculated on and from 01.06.2016 till the date of payment for a sum of Rs.3,90,332/- at the rate of 10% per annum from the second respondent under revenue recovery proceedings as per order dated 16.04.2018 issued by the Assistant Commissioner of Labour, Salem (Controlling Authority under the Payment of Gratuity Act, 1972) under Section 8 of the Payment of Gratuity Act.

For petitioner : Mr.S.Sakthivel



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For R1 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
For R2 : Mr.Murali Vinodh
Standing Counsel

ORDER

This writ petition is filed seeking for a direction to the first respondent District Collector to recover a sum of Rs.3,90,332/- being the arrears of gratuity along with interest at the rate of 10% per annum from the second respondent under Revenue Recovery Act as per order dated 16.04.2018 issued by the Assistant Commissioner of Labour, Salem (Controlling Authority under the Payment of Gratuity Act, 1972) under Section 8 of the Payment of Gratuity Act.

2. It is submitted by the learned counsel for the petitioner that the petitioner has joined the second respondent Corporation on 18.10.1985 as a Conductor and retired on attaining the age of superannuation on 30.04.2016. However, the second respondent management has failed to pay gratuity to be paid to the petitioner. The petitioner has filed P.G.No.559 of 2017 seeking for differential gratuity amount to be paid along with interest and the same was allowed on 16.04.2018 directing the second respondent to pay an amount of Rs.3,90,332/-. The second



respondent did not prefer any appeal and therefore, the orders passed in P.G.No.559 of 2017 has become final.

3. The petitioner has requested to the concerned controlling authority to issue certificate under Section 8 of Payment of Gratuity Act. However, the Controlling Authority has issued letter dated 16.04.2018 in P.G.No.559 of 2017 and requested the first respondent to recover the money. But there was no response. On 20.11.2023, the petitioner sent a representation to the first respondent and the same was forwarded to the second respondent. On 01.12.2023, the second respondent informed the petitioner that a writ petition was filed before this Court and same is pending. Hence, the petitioner sought for the relief as stated in the opening paragraph.

4. The learned Additional Government Pleader has taken notice for R1.Mr.Murali Shankar, has taken notice for R2.

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

6. Since the controlling authority has passed orders in



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P.G.No.559 of 2017 directing the second respondent Corporation to pay an amount of Rs.3,90,332/- towards differential gratuity, the second respondent has to comply the same. Since the second respondent has not paid the differential gratuity, the petitioner approached the controlling authority who inturn issued certificate and addressed a letter to the first respondent for recovery of the said amount. The first respondent District Collector has to recover the said amount under the Revenue Recovery Act from the second respondent .

7. The learned Additional Government Pleader representing the first respondent submits that if some time is granted, the first respondent will take steps to pass orders and see that an amount of Rs.3,90,332/- is recovered from the second respondent in favour of the petitioner. The same is recorded.

8. In view of the submissions made by both sides, this writ petition is disposed of directing the first respondent to take steps for recovery of Rs.3,90,332/- under the Revenue Recovery Act as quickly as possible not later than six weeks from the date of receipt of a copy of this order. No costs.



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Dr.D.NAGARJUN,J.

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