



WEB COPY



W.P.No.12641 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.12641 of 2024

R.Indra

... Petitioner

Vs.

1. The Joint Commissioner of Labour – II,
(Controlling Authority Under the Payment of Gratuity Act, 1972),
Teynampet, Chennai – 600 006.
2. The Managing Director,
The Tamil Nadu Co-operative Milk Producers Federation Ltd.,
Madhavaram Milk Colony,
Madhavaram, Chennai – 600 051.
3. The General Manager,
Kancheerpuram – Thiruvallur District,
Co-operative Milk Producers Union
No.23, Guruvappa Street,
Ayanavaram, Chennai – 600 023.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the first respondent to disburse the balance gratuity amount of Rs.219511.84 (Rupees Two Lakhs Nineteen thousand five hundred and eleven and eighty four paise only) that has been illegally retained by him to the legal heirs of Late Ramasami.



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For Petitioner : Mr.K.Rangesh
For Respondent : Ms.M.Jayanthy
Additional Government Pleader for R1
Ms.Akila Rajendran for R2

ORDER

Heard Mr.K.Rangesh, the learned Counsel for the petitioner, Ms.M.Jayanthy, the Additional Government Pleader for R1 and Ms.Akila Rajendran for R2.

2. The petitioner has filed this writ petition seeking direction against the first respondent to proceed further in pursuant to the proceedings of the first respondent dated 08.02.2024.

3. The petitioner is the wife of the deceased Ramasami who retired in the capacity of Deputy General Manager and he was permitted to retire by the second respondent on 31.07.2011. The second and third respondent have delayed the payment of gratuity despite the petitioner's husband had retired as early as 31.05.2011. On an application filed by the late husband of the petitioner for claiming interest for the delay in paying gratuity, an award has been passed by the Controlling Authority directing the second and third respondent to pay the same. The award has been passed to the tune of



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Rs.2,19,511.84/- with interest at the rate of 10% from the date of superannuation till the day of payment. The second and third respondent preferred an appeal before the Appellate Authority and the appeal got dismissed. Subsequently, they filed a writ petition challenging the order of the appellate authority in W.P.No.25801/2016 and the same was dismissed for default.

4. The first respondent who has to implement the award of the Controlling Authority has issued notice to the third respondent to remit the award amount without making any delay and stated that W.P.No.25801/2016 is pending. On the pretext of the pending writ petition filed by the respondents 2 and 3, the delay is made in settling the award amount to the petitioner. Even after the writ petition was dismissed for default, the second and third respondent continued to make delay by alleging that they have taken steps to restore the same but without making any constructive efforts in this regard. The first respondent having come to know about the delay making tactics of the respondents 2 and 3 should have proceeded further without waiting for any other orders from the Court.



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5. Since the petitioner who had lost her husband has been waiting for nearly 5 years to receive the benefit of the award, the first respondent ought to have taken steps for early recovery. Hence, I feel the first respondent should be directed to disburse the balance gratuity amount to the petitioner as expeditiously as possible.

6. Accordingly, this Writ Petition is disposed by directing the first respondent to disburse the balance gratuity amount to the petitioner as expeditiously as possible. No costs.

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Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

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The Joint Commissioner of Labour – II,
(Controlling Authority Under the Payment of Gratuity Act, 1972),
Teynampet, Chennai – 600 006.



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R.N.MANJULA, J.

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