



WEB COPY



W.P.No. 17721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17721 of 2024

Santhi

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Petitioner

Vs

1. The District Collector,
Thiruvannamalai District – 606 601.

2. The Assistant Director of Handlooms & Textiles,
Thenral Nagar, Vengikal,
Thiruvannamalai,
Thiruvannamalai District – 606 604.

3. The Administrator,
Kilkodungalur Handloom Weavers
Co-operative Production and Sales Society,
Kilkodungalur, Wandavasi Taluk,
Thiruvannamalai District – 604 403.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent District Collector, Thiruvannamalai to recover the gratuity amount, payable to the petitioner from the second respondent society as per recovery certificate issued by the Assistant Commissioner of Labour, Chennai, vide his proceeding D1/2339/2013, dated 20.05.2013, with 10% interest.



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For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for direction, directing the first respondent to recover the gratuity amount payable to the petitioner as per the recovery certificate issued by the Assistant Commissioner of Labour, Chennai, dated 20.05.2013.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's husband had joined the second respondent Society on 26.07.1976 as Assistant. Thereafter, he was promoted to the post of Manager and died on 20.12.2009, while he was in service. However, death-cum-retirement benefits were not paid so far. Therefore, the petitioner approached the authority viz., Assistant Commissioner of Labour and filed a petition. The Assistant Commissioner of Labour, by an order dated 12.11.2012, directed the second respondent to pay a sum of Rs.1,08,905/- with interest at the rate of 10% per annum. Even then, the said order was not complied with by the second respondent.



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Therefore, the petitioner once again approached the Assistant Commissioner of Labour in order to comply with the earlier order dated 12.11.2012. The Assistant Commissioner of Labour, by an order dated 20.05.2013, certified that the said amount shall be recoverable as arrears of land revenue from the second respondent. The first respondent requested the Assistant Commissioner of Labour to recover the said amount from the second respondent with 15% compound interest and deposit the same to the credit of Assistant Commissioner of Labour, Chennai. Even then, the first respondent did not take any steps to recover the said amount under the Revenue Recovery Act. Hence, this writ petition.

4. In view of the above, the first respondent is directed to recover the gratuity amount payable to the petitioner from the second respondent Society, as per recovery certificate issued by the Assistant Commissioner of Labour, Chennai, by the proceedings dated 20.05.2013, with interest at the rate 10% per annum within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands allowed.



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No costs.

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Internet : Yes/No

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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G.K.ILANTHIRAIYAN, J.



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