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W.P.No.16390 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM :

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

W.P.No.16390 of 2024

K.Kothandan

...Petitioner

Vs.

1. The District Collector,
Office of the District Collector
Kancheepuram District,
Kancheepuram – 631 604.
2. The Deputy Commissioner of Labour,
Authority under the Payment of Gratuity Act,
Office of the Joint Commissioner of Labour – II,
Chennai – 600 006.
3. The Commissioner,
Kanchipuram Greater Municipality,
Kanchipuram District – 631 502.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to recover the amount of Rs.1,29,416 with 10% interest from the third respondent under the Revenue Recovery Act and deposit in to the credit of P.G.No.47 of 2019 on the file of the second respondent Deputy Commissioner of Labour (Authority under Payment of Gratuity Act) and further directed to pay the said amount to the petitioner.



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For petitioner : Mr.K.Sudalaikannu
For R1 & R2 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
For R3 : Mr.K.Tamilvendhan
Government Advocate

ORDER

This writ petition has been filed for a direction to the first respondent to recover an amount of Rs.1,29,416 with 10% interest from the third respondent under the Revenue Recovery Act and deposit in to the credit of P.G.No.47 of 2019 on the file of the second respondent Deputy Commissioner of Labour (Authority under Payment of Gratuity Act) and further directed to pay the said amount to the petitioner.

2. It is submitted by the learned counsel for the petitioner that the petitioner joined the service of the third respondent Municipality as a Over Head Tank Operator on 01.06.2005 and retired on 31.10.2019 on attaining the age of superannuation. However, the second respondent has failed to pay gratuity and other retirement benefits to the petitioner. The gratuity amount which should have been paid to the petitioner within 30 days from the date of superannuation was not paid thereby, the petitioner

has approached the second respondent authority Deputy Commissioner of



Labour under the Payment of Gratuity Act,1972. The second respondent authority, after examining the application filed by the petitioner and after giving notice to the third respondent has finally passed orders dated 16.03.2023 directing the third respondent to pay gratuity to a tune of Rs.1,29,416/- with 10% interest within 30 days from the date of receipt of the copy of the order. Though, the order copy was served to the respondent there was no response.

3. The petitioner subsequently filed application before the second respondent. The second respondent authority by way of letter dated 26.11.2023 requested the first respondent Deputy Collector to recover the said amount from the third respondent. But no action was taken.. Aggrieved by the same the present writ petition is filed.

4. Heard the learned counsel for the petitioner and learned Additional Government Pleader for first and second respondents and perused the materials available on record.

5. No notice is required for the third respondent as the



application is disposed of at the admission stage itself.

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6. Perused the orders passed by the second respondent authority directing the third respondent to pay the gratuity amount of Rs.1,29,460/- to the petitioner. A copy of the proceedings dated 26.11.2023 issued by the second respondent authority to the first respondent District Collector go to show that the second respondent authority has directed the first respondent District Collector to recover a sum of Rs.1,29,460/- with interest. Finally, the petitioner has sent a representation dated 24.01.2024 to the first respondent District Collector to recover the gratuity amount with interest as ordered by the second respondent.

7. The learned counsel for the petitioner submitted that the petitioner is entitled for gratuity amount of Rs.1,29,460/- along with 10% interest. As seen from the impugned orders, the third respondent was directed to pay the gratuity with 10 % interest. However, in the recovery certificate on account of typographical error, interest rate is shown as 15% which is contrary the orders passed by the second respondent authority.

8. Considering the above facts and basing on the orders passed



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by the second respondent authority and also prayer made in this writ petition, the third respondent is liable to pay the gratuity amount of Rs.1,29,416/- with interest at the rate of 10% only. The first respondent District Collector is required to recover the said amount from the third respondent Corporation and pay the gratuity amount of Rs.1,29,416/- along with 10 % interest to the petitioner by following Revenue Recovery Act, 1864.

9. In view of the above, writ petition is disposed of directing the first respondent to initiate steps for recovery of Rs.1,29,416/- along with interest @ 10% p.a. from the third respondent under the Revenue Recovery Act, towards gratuity to be paid to the petitioner, within 12 weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of with the above directions at the admission stage itself. No costs.

24.06.2024

vca

Index : Yes/No
Internet : Yes/No
Citation : Yes/No

Dr.D.NAGARJUN,J.

Vca



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To

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