



W.P.No.27632 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27632 of 2024 and
W.M.P.No.30149 of 2024

M/s.Krishnagiri District Co-operative
Spinning Mills Ltd., S.A.108,
Rep by its Administrator,
Uthangarai - 635 207.
Krishnagiri District.

... Petitioner

Vs.

1.Mr.P.Sampath

2.The Deputy Commissioner of Labour,
Assistant Commissioner of Labour Office,
Salem 636 008.

3.The Tahsildar,
Revenue, Uthangarai,
Krishnagiri 635 115.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records from the file of the second respondent in Na.Ka.No.A4/1274/2022 dated 22.12.2023 and quash the same.

For Petitioner : Ms.G.Manju for



W.P.No.27632 of 2024

Mr.C.Karthikeyan
For Respondents : Mrs.M.Jayanthi, AGP for R2 & R3

ORDER

The petitioner has filed this Writ Petition challenging the order of the second respondent dated 22.12.2023 in Na.Ka.No.A4/1274/2022.

2. Heard Ms.G.Manju, learned counsel for the petitioner, Mrs.M.Jayanthi, learned Additional Government Pleader for R2 & R3 and perused the materials available on record.

3. The impugned proceedings is a demand made to the petitioner to pay a sum of Rs.1,60,533/- being the balance interest payable on the gratuity amount allowed to the first respondent in pursuant to the earlier proceeding dated 25.10.2021 in P.G.No.170 of 2021.

4. The learned counsel for the petitioner submitted that the petitioner does not have any quarrel as to the earlier order passed in P.G.No.170 of 2021 dated 25.10.2021. But the limited point is that the above gratuity amount ordered to be paid to the first respondent has



W.P.No.27632 of 2024

already been settled. But now, the impugned proceedings have been issued for demanding further payment. The attention of this Court was drawn to the letter of the second respondent, wherein, the petitioner was instructed to make payment of gratuity along with 10% interest. Subsequently, the petitioner had made payment of Rs.8,35,154/- alleged to be representing the gratuity amount along with the interest through a cheque dated 20.05.2022. Even the recovery order does not deny the factum of payment of the said amount of Rs.8,35,154/-. The demand was that there is a deficit in payment of interest and the petitioner has to pay the balance interest amount of Rs.1,60,533/-.

5. The learned Additional Government Pleader appearing for the respondents 2 and 3 submitted that the above order has been passed in pursuant to the petition sent by the first respondent, wherein, he has stated that he had a due of the balance interest payable to him.

6. But, before passing the impugned order, it would have been worthwhile if the respondents had been put on notice. The impugned proceedings has been issued without giving any opportunity to the



W.P.No.27632 of 2024

petitioner. As the difference is pointed out only in calculating the interest, I feel it is appropriate to remit the matter back to the file of the second respondent to issue notice to both the petitioner and the first respondent and then, pass orders in the event of finding any balance thereafter, within a period of two weeks from the date of receipt of a copy of this order.

7. Since the second respondent is directed to order notice to the first respondent before issuing any such order, notice to the first respondent in this Writ Petition is dispensed with.

8. With the above observations, this Writ Petition is allowed and the impugned order passed by the second respondent in Na.Ka.No.A4/1274/2022 dated 22.12.2023 is quashed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

20.09.2024

To



W.P.No.27632 of 2024

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R.N.MANJULA, J.

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