



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.20351 of 2022

S.Sivathanu Pillai

...

Petitioner

versus

1.The District Collector,
Chennai District,
No.62, Rajaji Salai,
Chennai - 600 001.

2.The Tahsildhar.
Office of Tahsildhar,
Mylapore Taluk,
Chennai - 600 028.

3.The Deputy Commissioner of Labour,
Office of the Joint Commissioner of Labour I,
D.M.S. Compound,
Teynampet,
Chennai - 600 006.

4.The Deputy Commissioner /
Executive Officer,
Arulmigu Parthasarathy Swamy Temple,
Triplicane,
Chennai - 600 005.

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Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first and second respondent to recover the gratuity and interest payable to the petitioner from the fourth respondent in terms of the Revenue Recovery Certificate dated 17.06.2021 bearing No.D/3970/2020 issued by the third respondent.

For Petitioner	:	Mr.Balan Haridas
For Respondent Nos.1 to 3	:	M/s.M.Jayanthy Additional Government Pleader
For Respondent No.4	:	M/s.S.Surya for M/s.A.S.Kailasam & Associates

ORDER

The Writ Petition has been filed seeking direction against the respondents 1 and 2 to recover the gratuity and interest payable by the fourth respondent for following revenue recovery procedure in terms of the revenue recovery certificate dated 17.06.2021 issued by the third respondent.

2. Heard Mr.Balan Haridas, learned counsel for the petitioner, M/s.M.Jayanthy, learned Additional Government Pleader for the respondents 1 to 3 and M/s.S.Surya, learned counsel for the fourth respondent and perused the materials available on record.



3. Mr.Balan Haridas, learned counsel for the petitioner submitted that the petitioner is entitled to get the gratuity as ordered by the third respondent *vide* P.G.Case No.26 of 2018 dated 31.07.2019. But his contention is that in compliance of the said order, the fourth respondent did not pay it in entirety and hence, he has filed this writ petition.

4. M/s.S.Surya, learned counsel for the fourth respondent submitted that the payment has been made in accordance with the order and no more dues are payable to the petitioner.

5. However, the learned counsel for the petitioner submitted that there is a calculation error in arriving at the payment payable to the petitioner as per the order of the appropriate authority. In such case, both the petitioner and the fourth respondent can give their calculation memos to the respondents 1 and 2 in order to prove whether the amount already ordered has been paid and the order has been complied and that the revenue recovery proceedings are not necessary. On receipt of the same, the respondents 1 and 2 shall look into their submissions and find out if at all any dues are to be paid to the petitioner and then pass appropriate orders in



accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is **disposed**. No costs.

20.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

WEB COPY

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R.N.MANJULA, J.

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