



W.P.No.20748 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM :

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

W.P.No.20748 of 2024

G.Kuppan

...Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Kancheepuram District – 631 502.
2. The Deputy Commissioner of Labour
Authority under the Payment of Gratuity Act,
Office of the Joint Commissioner of the Labour – II
Chennai – 600 006.
3. The Commissioner,
Kancheepuram Greater Municipality ,
Kancheepuram 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.5,58,365/- with 10% interest from the 3rd respondent under the Revenue Recovery Act and deposit in to the credit of P.G.No.35 of 2019



W.P.No.20748 of 2024

on 07.03.2023 on the filed of the second respondent Deputy Commissioner of Labour (Authority under the Payment of Gratuity Act) and further directed to pay the said amount to the petitioner.

For petitioner : Mr.Sudalai Kannu
For R1 and R2 : Mr.K.Tamil Vendan
Government Advocate

For R3 : Mr.P.Srinivas

ORDER

This writ petition is filed for a direction to the first respondent to recover the amount of Rs.5,58,365/- with 10% interest from the 3rd respondent under the Revenue Recovery Act and deposit in to the credit of P.G.No.35 of 2019 on 07.03.2023 on the filed of the second respondent Deputy Commissioner of Labour (Authority under the Payment of Gratuity Act)

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.



WEB COPY

3. It is submitted by the learned counsel for the petitioner that the petitioner was working as a Watchman for a burial ground in the third respondent municipality since 25.02.1999 and superannuated on 31.05.2019 while he was drawing a salary of Rs.13,725/- per month. The third respondent has failed to pay the gratuity and other retirement benefits to the petitioner. The petitioner has filed an application under the Payment of Gratuity Act before the second respondent Deputy Commissioner of Labour, Chennai.

4. The third respondent has participated in the enquiry and the second respondent has ultimately passed an order directing the third respondent to pay an amount of Rs.1,58,365/- with 10% interest within 30 days from the receipt of copy of a order to the petitioner. On receipt of the order, the petitioner has sent a notice to the third respondent in respect of payment of gratuity. But no action was taken.



5. The petitioner has filed an application before second respondent enquiring about the action of the third respondent for which the second respondent has sent a letter dated 23.01.2024 to the District Collector requesting him to recover the said amount under the Recovery Revenue Act. The petitioner has also approached the first respondent District Collector but there was no response and hence, sought for issuance of a direction as stated in the opening paragraph.

6. Once orders have been passed against the third respondent directing them to pay the gratuity amount of Rs.1,58,365/- with 10% interest, the third respondent should have paid the said amount. In case if the third respondent is aggrieved by the orders of the second respondent, then the third respondent should have taken steps to challenge the same. When notice has been sent by the petitioner the third respondent should have given some reply.

7. The third respondent has not paid the gratuity amount of Rs.1,58,365/- with 10% interest and having not taken any steps on the orders passed by the second respondent, the District Collector who has authority



under the Revenue Recovery Act is expected to recover the gratuity to be paid to the petitioner as per the orders passed by the second respondent. The second respondent has addressed a letter to the first respondent District Collector requesting to recover the said amount under the Revenue Recovery Act.

8. The learned counsel for the third respondent has submitted that the petitioner has been working only temporarily and is not entitled for gratuity. However, the said submission of the third respondent cannot be considered at this stage as the third respondent has not even filed counter affidavit when this matter was taken up by the second respondent on the application filed by the petitioner.

9. Further, as already observed even after passing of the orders of the second respondent directing the third respondent to pay an amount of Rs.1,58,365/- but the third respondent has not taken any steps to the same and hence, the third respondent cannot take any defence at this stage.



W.P.No.20748 of 2024

WEB COPY

10. The learned Government Advocate for the first and second respondents submits that the first respondent District Collector will initiate steps to recover the said amount from the third respondent if sufficient time is granted. The same is recorded.

11. In view of the above submissions made above, this writ petition is disposed of directing the first respondent District Collector to initiate proceedings under the Revenue Recovery Act for recovery of an amount of Rs.1,58,365/- with 10% interest as ordered by the second respondent as quickly as possible not later than twelve weeks from the date of receipt of a copy of this order. No costs.

29.07.2024

vca

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



W.P.No.20748 of 2024

WEB COPY

To

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

Dr.D.NAGARJUN,J



WEB COPY



W.P.No.20748 of 2024

vca

W.P.No.20748 of 2024

29.07.2024