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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.24724 and 24819 of 2024

1.N.Balasundari
2.K.Palani
3.M.Chelliah
4.D.Murali Shankar
5.S.Sridhar
6.K.Selvanayagi
7.G.Natarajan
8.P.Poornimadevi
9.P.Kamalesan
10.M.Veeraselvam
11.M.Ramamoorthy

...

Petitioners
[W.P.No.24724 of 2024]

1.Sudheer. S
2.R.S.Mohan

...

Petitioners
[W.P.No.24819 of 2024]

versus

1.Government of Tamil Nadu,
Rep. by its Chief Secretary,
Fort St.George,
Chennai - 600 009.

2.Labour Welfare and Skill Development Department,
Rep. by its Secretary,
Fort St.George,
Chennai - 600 009.

3.The Additional Commissioner of Labour,



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Labour Welfare Building,
Dr.Balasundaram Road,
Coimbatore - 641 018.

4.The Collector,
Office of the District Collector,
State Bank of India Road,
Coimbatore - 641 018.

5.The Deputy Commissioner of Labour (Gratuity),
Office of the Joint Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore - 641 018.

6.The Joint Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore - 641 018.

...

Respondents
[in both W.Ps]

7.The Management,
Tamil Nadu College of Engineering,
Karuthampatti,
Coimbatore - 641 659.

...

Respondent
[W.P.No.24724 of 2024]

7.The Management,
Park College of Engineering and Technology,
Karuthampatti,
Coimbatore - 641 659.

...

Respondent
[W.P.No.24819 of 2024]

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the fifth respondent to issue Revenue Recovery Certificate under Section 8 of the Payment of Gratuity Act in respect of the show cause notices regarding order passed by him in the Payment of Gratuity Case No.GA 126 of 2017, GA 171 of 2017,



GA 45 of 2018, GA 47 of 2018, GA 110 of 2018, GA 111 of 2018, GA 143 of 2018, GA 144 of 2018, GA 134 of 2019, GA 245 of 2019, GA 584 of 2021, GA 611 of 2021 and GA 229 of 2022 concerning the petitioners and further direct the fourth respondent to recover the amount due under the Revenue Recovery Certificate as arrears of land revenue and pay the same to the petitioners along with interest respectively.

For Petitioners [in both W.Ps]	:	Mr.Balan Haridas
For Respondent Nos.1 to 6 [in both W.Ps]	:	Mrs.M.Jayathy Additional Government Pleader

COMMON ORDER

The petitioners have filed these Writ Petitions to direct the fifth respondent for taking further action in pursuant to his show cause notices issued under the Payment of Gratuity Act for recovering the gratuity to be payable to them by the seventh respondent Management.

2. The limited grievance of the petitioners is that despite notices have been given to the fifth respondent, no further proceedings have been taken to issue Revenue Recovery Certificate to the fourth respondent under Section 8 of the Payment of Gratuity Act.



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3. Unless the fifth respondent holds an enquiry consequent to the show cause notices and grants a Certificate under Section 8 of the Payment of Gratuity Act, further proceedings cannot be initiated against the fourth respondent / Collector for recovering the gratuity to the benefit of the petitioners.

4. As the fifth respondent has not performed his sufficient functions, despite the representations have been sent by the petitioners, I feel it is appropriate to issue directions against the fifth respondent. Since the directions are only against the fifth respondent to hold an enquiry after issuing notice to the 7th respondent, notice is dispensed with against the 7th respondent in this writ petition.

5. In the result, this Writ Petition is **allowed**, by directing the 5th respondent to hold an enquiry by calling upon the 7th respondent by issuing afresh show cause notice and taking further proceedings as contemplated under Section 8 of the Payment of Gratuity Act towards the issuance of the Revenue Recovery Certificate in order to enable the Revenue Officers to proceed further. The above exercise shall be completed as expeditiously as



possible, preferably within a period of one month from the date of receipt of
a copy of this order. No costs.

29.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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Fort St.George,
Chennai - 600 009.
- 2.The Secretary,
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Chennai - 600 009.
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R.N.MANJULA, J.

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