



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.25181 and 25189 of 2024

1.A.Devarajan
2.R.Ramachandran
3.M.Rangasamy
4.A.Govindasamy
5.M.Muniappan
6.T.Ramachandran
7.Rajeswari
8.Lakshimi
9.R.Govindasamy

...

Petitioners
[W.P.No.25181 of 2024]

1.R.Chandrasekaran
2.M.Vadivel
3.P.Samraj
4.Krishnammal
5.M.Ranganathan
6.C.Ammasi
7.L.Krishnan
8.A.Krishnan
9.K.Angappan
10.A.Periyasamy
11.V.Krishnan
12.C.Chinnasamy
13.Alraj
14.Kanniappan
15.V.K.Chinnasamy

...

Petitioners
[in W.P.No.25189 of 2024]



versus

1.The District Collector,
1st Floor, Main Building,
District Collectorate,
Dharmapuri - 636 705

2.The Tahsildar,
Palacode Post & Taluk - 636 808.
Dharmapuri District.

3.The Managing Director,
Dharmapuri District Cooperative
Sugar Mills Limited,
Jerthlav Post, Palacode Taluk,
Dharmapuri District - 636 808. ...

Respondents
[in both W.Ps]

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to initiate proceedings under Section 8 of the Payment of Gratuity Act, 1872 against the 3rd respondent herein for recovery of gratuity amount with interest as per order dated 09.07.2019 and 17.11.2020 and consequently direct the 2nd respondent to recover and to issue a Demand Draft in favour of the Deputy Commissioner of Labour, Salem, respectively.

For Petitioners [in both W.Ps]	:	M/s.D.Geetha
For Respondent Nos.1 & 2 [in both W.Ps]	:	Mrs.M.Jayanthy Additional Government Pleader
For Respondent No.3 [in both W.Ps]	:	Mr.K.Surendran



COMMON ORDER

WEB COPY These Writ Petitions have been filed to direct the respondents 1 and 2 to initiate proceedings under Section 8 of the Payment of Gratuity Act, 1872, against the third respondent for recovery of the gratuity amount with interest payable to the petitioners.

2. Heard M/s.D.Geetha, learned counsel for the petitioners, Mrs.M.Jayanthi, learned Additional Government Pleader for the respondents 1 and 2 and Mr.K.Surendran, learned counsel for the third respondent and perused the materials available on record.

3. M/s.D.Geetha, learned counsel for the petitioners submitted that despite the first respondent has directed the second respondent to initiate recovery action, the second respondent has not initiated any action and in view of that, the petitioners are not able to get their gratuity amount.

4. Unless, the Revenue Recovery Officer who is bestowed with the revenue recovery power initiates proceedings in accordance with the Revenue Recovery Act, the petitioners cannot enjoy the fruits of the



recovery certificate issued under Section 8 of the Payment of Gratuity Act by the authorities concerned. However, the petitioners do not appear to have given any representation to the second respondent before filing these Writ Petitions.

5. In view of the same, the petitioners are given with the liberty to file a representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall issue notice to the third respondent and then pass appropriate orders or take action in accordance with the relevant provisions of law and by following the due procedure within a period of four weeks thereafter.

6. With the above observation, these Writ Petitions are **disposed**.

No costs.

29.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To
WEB COPY

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1st Floor, Main Building,
District Collectorate,
Dharmapuri - 636 705
- 2.The Tahsildar,
Palacode Post & Taluk - 636 808.
Dharmapuri District.



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W.P.Nos.25181 and 25189 of 2024



R.N.MANJULA, J.

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29.08.2024

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