



WEB COPY



W.P.No.26129 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26129 of 2024

M.Albert

... Petitioner

Vs.

1.The District Collector,
The District Collector Office,
Chengalpattu.

2.The Tahsildar,
Tambaram.

3.The Administrator,
Chennai Government Officers'
Co-operative Building Society,
372, Mudichur Road,
Tambaram West - 600 045.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to recover the amount due to the petitioners as per orders of Deputy Commissioner of Labour, Chennai in P.G.No.291 of 2022 dated 06.03.2023 and consequently, the certificate issued under Section 8 of the Payment of Gratuity Act, 1972 dated 17.05.2024 under the Revenue Recovery Act from the 3rd respondent and thereby, considering the petitioner's representation dated 23.08.2024.



W.P.No.26129 of 2024

For Petitioner : Mr.L.P.Shanmuga Sundaram
For Respondents : Mrs.M.Jayanthi, AGP for R1 & R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1 and 2 to recover the amount due to the petitioners as per orders of Deputy Commissioner of Labour, Chennai in P.G.No.291 of 2022 dated 06.03.2023 and consequently, the certificate issued under Section 8 of the Payment of Gratuity Act, 1972 dated 17.05.2024 under the Revenue Recovery Act from the 3rd respondent and thereby, considering the petitioner's representation dated 23.08.2024.

2. Heard Mr.L.P.Shanmuga Sundaram, learned counsel for the petitioner, Mrs.M.Jayanthi, learned Additional Government Pleader for the respondents 1 and 2 and perused the materials available on record.

3. The petitioner was working in the third respondent Society and retired on 31.12.2015 on attaining the age of superannuation. Despite the petitioner was allowed to retire from service, his gratuity amount was not paid by the third respondent and the same was illegally retained by the



W.P.No.26129 of 2024

third respondent. Hence, the petitioner filed a revision petition before the Registrar of Co-operative Societies and the same was allowed on 06.09.2016 and the third respondent was directed to release an amount of Rs.6,09,946/- towards gratuity. However, the third respondent released only a sum of Rs.3,50,000/- and the balance amount was not released.

4. Thereafter, the petitioner approached the Controlling Authority / Deputy Commissioner of Labour, Chennai, by way of filing a petition in P.G.No.291 of 2022. The Deputy Commissioner of Labour passed an award on 06.03.2023 directing the third respondent to pay the balance amount of Rs.3,04,023/- towards gratuity along with interest at the rate of 10% per annum within a period of 30 days from the date of receipt of a copy of that order. But the third respondent has not taken any steps to release the gratuity amount. Therefore, the petitioner submitted a representation in this regard to the respondents on 23.08.2024. Since no response was evoked from the respondents, the petitioner is before this Court.



W.P.No.26129 of 2024

5. Mrs.M.Jayanthi, learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner's representation dated 23.08.2024 will be considered and order will be passed within a short period of time.

6. In view of the above submission, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioner dated 23.08.2024 and pass appropriate orders as to the disbursement of the gratuity amount payable to the petitioner, as expeditiously as possible. No costs.

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

06.09.2024



W.P.No.26129 of 2024

To

WEB COPY

- 1.The District Collector,
The District Collector Office,
Chengalpattu.
- 2.The Tahsildar,
Tambaram.
- 3.The Administrator,
Chennai Government Officers'
Co-operative Building Society,
372, Mudichur Road,
Tambaram West - 600 045.



WEB COPY



W.P.No.26129 of 2024

R.N.MANJULA, J.

gsk

W.P.No.26129 of 2024

06.09.2024