



W.P.(MD) No7612 of 2008

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No7612 of 2008
and M.P.(MD) Nos.1 and 2 of 2008**

P.Varadarajan

... Petitioner

-VS-

1.The District Collector,
Sivaganga District,
Sivaganga.

2.The Asst.Commissioner of Labour Cum
the Controlling Authority Under the Payment of Gratuity Act,
Madurai – 20.

3.The Management,
M/s.Rukmani Mills,
Silaman,
Madurai – 625 201.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st Respondent to invoke revenue recovery Act against the 3rd respondent to recover the gratuity amount with



W.P.(MD) No 7612 of 2008

interest payable to the employees of the third respondent as per the Recovery Certificate issued by the 2nd Respondent.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader for R1 and R2

No appearance for R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 1st Respondent to invoke Revenue Recovery Act against the 3rd respondent to recover the gratuity amount with interest payable to the employees of the third respondent as per the Recovery Certificate issued by the 2nd Respondent.

2. The petitioner is the Vice president of the National Labour Organization and he is also interested in safeguarding and protecting the interest and welfare of the employees of the third respondent Mill.



W.P.(MD) No 7612 of 2008

WEB COPY

3. According to the petitioner, earlier 164 employees of the third respondent Mill have filed petitions seeking gratuity from the third respondent Mill before the second respondent and after an elaborate enquiry the second respondent has passed awards in the year 2002 and 2003 in favour of employees. The third respondent Mill did not take any steps to settle the amount in favour of the employees. Therefore, the petitioner approached the second respondent to initiate revenue recovery proceedings and issue a recovery certificate to the first respondent for recovering the gratuity amount. The second respondent has issued a certificate under Section 8 of Act to the first respondent to recovery the amount with 15% compound interest under Revenue Recovery Act in by its proceedings in A6/8978/05, dated 08.11.2006. Thereafter, no action was taken for recovering the same and therefore, he filed the Writ Petition before this Court for recovering the said amount as against the third respondent.

4. The first respondent filed the counter affidavit and in para 8 of the counter affidavit it is stated that in immediate response to Tahsildar, Manamadurai, to his letter, the Secured Assets Management Branch of State Bank of India, Chennai acknowledged its receipt besides ensuring that the workers due



W.P.(MD) No 7612 of 2008

would be deposited with the appropriate authority in the Government, that is an amount equal to the dues payable to the workers in the event of selling the assets of Rukmani Mills Ltd., under the SARFAESI Act vide letter No.SAMB/Sick/1203, dated 09.09.2008.

5. Further, in the aforesaid counter affidavit, it is stated that Tahsildar, Manamadurai also furnished the details of 164 employees with quantum of gratuity dues payable to them casewise and the same was received from the third respondent through the General Manager, State Bank of India SAM Branch, Chennai, dated 29.10.2008 for prompt disposal and the reply is awaited from them and also in the aforesaid counter it is stated that the petitioner has to seek his remedy through the aforesaid SAM Branch, State Bank of India, Chennai.

6. The said counter is filed in the year 2008, but the petitioner has not chosen to implead the said bank as party to the writ petition. Therefore, now considering the said statement made by the first respondent in the counter affidavit that the State Bank of India has acknowledged its receipt besides



W.P.(MD) No 7612 of 2008

ensuring that the dues would be deposited before the aforesaid authorities with the Government, the first respondent shall take necessary action to recover the said amount from the Bank in accordance with law, after realization of the amount due in the mortgaged debt of the bank. Liberty is also given to the petitioner to give additional particulars to the first respondent District Collector within a period of tow weeks from the date of receipt of a copy of this order and the same shall be considered by the first respondent at the earliest without any further delay.

7. Therefore, with the above said directions, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
04.01.2024

Index : Yes / No
Internet : Yes / No
SJ

1. The District Collector,
Sivaganga District,
Sivaganga.



WEB COPY



W.P.(MD) No7612 of 2008

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

SJ

2.The Asst.Commissioner of Labour Cum
the Controlling Authority Under the Payment of Gratuity Act,
Madurai – 20.

W.P.(MD) No7612 of 2008

04.01.2024