



W.P(MD)No.2673 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.2673 of 2024

and

W.M.P.(MD)No.2685 of 2024

Seelan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Collectorate, Dindigul.
- 2.The Deputy Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Collectorate, Dindigul.
- 3.The Deputy Block Development Officer,
Gujiliyamparai Union, Gujiliamparai,
Gudallore Panchayat,
Vedasanthur Circle, Dindigul.
- 4.The Village President,
D.Gudallur Panchayat,
Gujiliyamparai Union,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to implement the order passed by the 2nd respondent in his impugned proceedings in Na.Ka.No.AA6/2139/2023, dated 05.10.2023 in letter and spirit within the time stipulated by this Court.



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For Petitioner : Mr.R.Varadharajan
For Respondents : Mr.P.Thambidurai,
Government Advocate

ORDER

The petitioner seeks a direction to the 1st respondent to implement the order passed by the 2nd respondent vide proceedings in Na.Ka.No.AA6/2139/2023, dated 05.10.2023 in letter and spirit within the time stipulated by this Court.

2.According to the petitioner has filed an application before the 2nd respondent seeking for gratuity amount, which is payable by the 3rd respondent, where an order has been passed on 11.07.2022, directing the 3rd respondent to pay a sum of Rs.59,608/-. However, the 3rd respondent failed to comply with the said order. Therefore, the petitioner filed W.P.(MD)No.5294 of 2023, wherein this Court, vide order dated 13.03.2023, directed the petitioner to move the controlling authority / 2nd respondent for enforcing the said order dated 11.07.2022. Pursuant to the said direction, the petitioner filed a petition before the 2nd respondent, who in turn, vide letter dated 05.10.2023 directed the 1st respondent to recover the said amount from the 3rd respondent. However, the 1st



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respondent has not taken any steps to recover the amount from the 3rd respondent. Therefore, the petitioner has filed this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that when the matter was taken up for hearing on 08.02.2024, this Court directed the 1st respondent to attach the salary of the 3rd respondent towards recovery of the amount payable to the petitioner as per the direction issued by the 2nd respondent dated 05.10.2023.

4.The learned Government Advocate appearing for the respondents seeks four weeks time to initiate recovery proceedings and pay the same to the petitioner.

5.Considering the submissions made on either side, this Court directs the 1st respondent to initiate recovery proceedings for a sum of Rs.59,608/- along with 15% interest from 31.03.2019 till the date of payment as ordered by the 2nd respondent and pay the same to the petitioner within a period of six weeks from the date of receipt of a copy of this order. It is made clear that if the 1st respondent is not able to recover the said amount from the 3rd respondent, the amount shall be recovered from the salary of the 3rd respondent.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1. The District Collector,
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4. The Village President,
D. Gudallur Panchayat,
Gujiliyamparai Union,
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KRISHNAN RAMASAMY, J

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