



W.P.(MD).No.2127 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2127 of 2024

A.Soundararajan

...Petitioner

Vs

1.The Controlling Authority /

**Deputy Commissioner of Labour,
Under the Payment of Gratuity Act,
Trichiirappalli.**

2.The Management,

**ZA 137, Thiruvarur Co-operative Housing Society Ltd.,
36E, South Street,
Thiruvarur 610 001,
Thiruvarur District.**

3.SAHSG 93, Thiruvarur Co-operative Housing Society Ltd.,

**36E, South Street,
Mandugi,
(Camp) Thiruvarur,
Thiruvarur District.**

4.Regional Deputy Registrar (Housing) /

**Liquidation Officer,
ZA 137, Thiruvarur Co-operative Housing Society Ltd.,
Office of the Housing Society,
Plot No.7, Daniel Thomas Nagar,
Old Housing Unit,
Thanjavur-613 007.**

...Respondents



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Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing the 1st respondent to implement its own order in P.G.564/2016, dated 4.11.2022 and collect the gratuity amount of Rs.5,15,449 with 10% interest under Revenue Recovery Act from the respondents 2 to 4 herein and to disburse the same to the petitioner herein within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents :Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to implement its own order in P.G.564/2016, dated 4.11.2022 and collect the gratuity amount of Rs.5,15,449 with 10% interest under Revenue Recovery Act from the respondents 2 to 4 herein and to disburse the same to the petitioner herein within the time limit that may be fixed by this Court.

2. On 15.06.1980, the petitioner joined into the services of Thiruvarur Circle Co-operative Housing Society. Thereafter, he was transferred to the 3rd respondent SAHSG 93, Thiruvarur Circle Co-operative Housing Society as Accountant from 06.12.1994. Lastly the petitioner worked as Secretary in the 2nd respondent Society upto 30.06.2015. He was allowed to retire from service on 30.06.2015. Vide proceedings of the Regional Deputy Registrar



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(Housing), dated 23.01.2020, the 2nd respondent Co-operative Housing Society was revived and 4th respondent was appointed as liquidator. At the time of the petitioner's retirement, his retirement benefits including gratuity amount was not sanctioned. Hence, the petitioner filed P.G.No.564 of 2016 on the file of the Controlling Authority / Deputy Commissioner of Labour, Trichirappalli seeking direction to sanction entire gratuity amount of Rs. 5,15,449/- along with interest. Vide order, dated 04.11.2022, the Deputy Commissioner of Labour, Trichirappalli directed the respondents 1 and 2 to sanction gratuity amount with interest to the petitioner. Thereafter, the petitioner had sent a representation in the appropriate form to the first respondent on 09.09.2023 to implement the order in P.G.No.564 of 2016, dated 04.11.2022. However, the same is not implemented by the 2nd and 3rd respondents.

3. The petitioner had filed W.P(MD)No.3060 of 2021 seeking to direct the respondents to settle his retirement benefits and this Court by an order, dated 06.04.2022 passed a favourable order. Despite the same, the petitioner's plight was not ventilated and his case seeking sanction of terminal benefits is kept pending by the respondents. Hence, this writ petition came to be filed.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Considering the limited scope of the relief sought for, this Court hereby direct the 1st respondent to take appropriate steps in accordance with law to implement the order in P.G.No.564, dated 04.11.2022 in a manner known to law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

21.02.2024.

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

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L.VICTORIA GOWRI, J.

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