



W.P.(MD)No.5927 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.5927 of 2024

Dr.V.Kubendran

... Petitioner

vs.

- 1.The Secretary to the Government,
(Convener of Governing Council,
Bharathiar University),
Department of Higher Education,
Government of Tamil Nadu,
St. George Fort, Chennai
- 2.The Vice-Chancellor,
Bharathiar University, Maruthamalai Road,
Coimbatore 641 046
- 3.The Management,
(Represented by the Registrar),
Bharathiar University, Maruthalmalai Road,
Coimbatore 641 046.
- 4.The District Collector,
Collectorate, Coimbatore District.
- 5.The Deputy Commissioner of Labour
Controlling Authority Under Payment
of Gratuity Act, 1972, Coimbatore.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the 2nd and 3rd respondents to pay the Gratuity amount for a sum of Rs.8,33,355/- (Rupees Eight Lakhs Thirty Three Thousand Three Hundred and Fifty Five only) payable to the petitioner as a payment of Gratuity amount due along with interest amount of Rs. 5,00,013/- at the rate of 10 percentage per annum for 6 years with effect from 01.06.2017 to till date based on the order passed by the 5th respondent Deputy Commissioner of Labour Controlling Authority under the payment of Gratuity Act, Coimbatore Vide No. GA 250/2019 dated 03.05.2023.

For Petitioner : Mr.G.Kasinatha Durai
For Respondents : Mr.Amjadkhan,
Government Advocate for R1, R4 and R5
Mr.G.Aravinthan for R2 and R3

ORDER

The petitioner herein had given a grievance petition dated 02.08.2023 to the fourth respondent for recovery of gratuity amount of Rs.8,33,355/- with interest at the rate of 10% per annum payable to him by the Registrar, Bharathiar University, Coimbatore and the fourth respondent in turn had sent a letter No.713143/2023/A3 dated 04.08.2023 to the third respondent to take appropriate action on the grievance



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petition. Since no further action was taken on the grievance petition, the present writ petition has been filed.

2. It is needless to point out that whenever a petition of this nature is made to a Statutory Authority, there is a duty cast upon them to consider the same on their own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the petition by the Statutory Authority would amount to dereliction of duty. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the third respondent is required to be given with a direction to consider the grievance petition of the petitioner within a specified time frame.

3. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's



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grievance petition dated 02.08.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the third respondent to consider the same on its own merits.

4. With the above direction, the Writ Petition stands disposed of. No costs.

08.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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R.N.MANJULA, J.

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