



W.P.(MD).No.14174 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.14174 of 2021

S.Mariselvam

... Petitioner

Vs.

- 1.The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Baktavatsalam Nagar, Guindy,
Chennai-25.
- 2.The Assistant Commissioner of Labour,
O/o. the Deputy Commissioner of
Labour,
Palayamkottai,
Tirunelveli District.
- 3.The Chairman / Correspondent,
Lakshmi Ammal Polytechnic
College,
K.R.Nagar,
Kovilpatti Taluk,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents to



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pay Gratuity to the petitioner in terms of Section 4 of the Payment of Gratuity Act, 1972 with the simple interest @ 10% p.a in terms of Section 7 (3-A) of the Payment of Gratuity Act, 1972 by considering the petitioner's representation dated 20.08.2019 within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Nawazkhan,
For Ajmal Associates

For R-1 & R-2 : Mr.M.Sarangan,
Additional Government Pleader

For R-3 : Mr.V.Perumal

ORDER

This writ petition has been filed seeking direction to the respondents to pay Gratuity to the petitioner in terms of Section 4 of the Payment of Gratuity Act, 1972 with the simple interest @ 10% p.a in terms of Section 7 (3-A) of the Payment of Gratuity Act, 1972 by considering the petitioner's representation dated 20.08.2019.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner is a retired Office Attender of the 3rd respondent College. The same is run by Lakshmi Ammal Educational and Charitable Trust. He had rendered 21 years of service in the 3rd respondent College and was relieved from service on resignation on 17.09.2012. However, after a period of 8 years from relieving from service, gratuity amount has not been paid to the petitioner so far. In view of the same, the petitioner made a representation dated 20.08.2019 to the respondents and the same was considered. Hence, the present writ petition came to be filed.

3. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

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



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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. Without going into the merits of this case, this Court hereby direct the 3rd respondent to consider the petitioner's representation dated 20.08.2019 and forward the same to the 2nd respondent within a period of four (4) weeks from the date of receipt of a copy of this order. Thereafter, the 2nd respondent is directed to pass appropriate orders in accordance with law within a period of four (4) weeks therefrom. In case of rejection of the petitioner's representation, the petitioner is directed to approach the 2nd respondent within a period of 90 days from the date of the rejection order.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

12.07.2024

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



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L.VICTORIA GOWRI, J.

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