



W.P(MD)No.27812 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.27812 of 2024

M.Samikannu

... Petitioner

Vs.

- 1.The District Collector,
O/o. The District Collectorate,
Thanjavur.
- 2.The Deputy Commissioner of Labour,
The Controlling Authority under the
Payment of Gratuity,
O/o. The Deputy Commissioner of Labour,
Trichy.
- 3.The Tahsildar,
O/o. The Tahsildar,
Thanjavur.
- 4.The Management / President,
D.1702, Thittai Primary Agriculture
Co-operative Credit Society,
Thittai, Thanjavur Taluk,
Thanjavur 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 recover a sum of Rs.5,72,312/- with 10% interest as per Section 8 of the Payment of Gratuity Act, 1972 and Section 5 of the Tamil Nadu Revenue



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Recovery Act, 1864 and to direct the 3rd respondent to remit the collected amount without any deduction in full through demand draft in the name of Commissioner of Labour, Trichirappalli.

For Petitioner : Mr.G.M.Xavier
For R1 to R3 : Mr.P.Thambidurai,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the grievance of the petitioner that he was appointed as Secretary under the 4th respondent Society and after rendering 28 years of unblemished service and after attaining the age of superannuation, retired from service on 30.11.2018. Thereafter, he has filed a petition before the 2nd respondent, seeking gratuity, where, the 2nd respondent has passed an order dated 15.11.2019, directing the 4th respondent to pay a sum of Rs.5,72,312/- (Rupees Five Lakhs Seventy Two Thousand Three Hundred and Twelve Only) with 10% interest as per Section 7(3A) of Gratuity Act. Thereafter, since the 4th respondent has not deposited the said amount, the 2nd respondent, vide order dated 01.08.2023, directed the 1st respondent to recover



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the said amount from the 4th respondent under Section 5 of the Tamil Nadu Revenue Recovery Act, 1864. Pursuant to the same, the 1st respondent, vide order dated 07.09.2023, directed the 3rd respondent to recover the said amount. However, till date, no action has been taken. Hence, the petitioner has filed this Writ Petition.

3.Mr.P.Thambidurai, learned Government Advocate, who takes notice on behalf of the respondents 1 to 3, submits that since the 4th respondent Society is facing financial crisis, it is difficult to recover the said amount from the Society and the same may be recovered within a time that may be stipulated by this Court.

4.Considering the submissions made on either side, this Writ Petition is disposed of granting six months time to the 3rd respondent to recover the said amount along with 10% interest and pay the same to the petitioner. No costs.

21.11.2024

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

Yuva



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KRISHNAN RAMASAMY, J

Yuva

To

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