



W.P.No.4101 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

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K.Gunasekaran

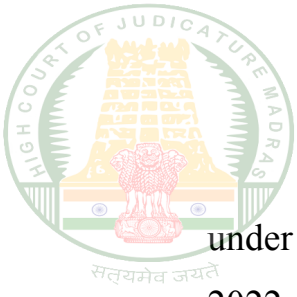
...Petitioner

Vs.

1. The District Collector,
Thiruvallur District, Tiruvallur – 601 205.
2. The Deputy Commissioner of Labour,
Authority under the Payment of Gratuity Act,
Office of the Joint Commissioner of the Labour II,
Chennai – 600 006.
3. The President,
Palavedu Panchayat, Palavedu Post,
Via I.A.F Avadi, Tiruvallur District – 600 055.
4. The Block Development Officer,
Villivakkam Panchayat Union,
Ambattur, Chennai – 600 053.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the 1st respondent to recover the
amount of Rs.83,447/- with 15% compound interest from the 3rd respondent



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under the Revenue Recovery Act and deposit in to the credit of P.G.No.260/2022 on file of the 2nd respondent Deputy Commissioner of Labour (Authority under the payment of Gratuity Act) and further directed to pay the said amount to the petitioner.

For Petitioner : Mr.K.Sudalai Kannu

For Respondents : Mr.M.Murali, Government Advocate

ORDER

This Writ petition has been filed seeking direction to the 1st respondent to recover the amount of Rs.83,447/- with 15% compound interest from the 3rd respondent under the Revenue Recovery Act and deposit the same to the credit of P.G.No.260 of 2022 on file of the 2nd respondent and for a consequential direction to pay the same to the petitioner.

2. Mr.M.Murali, learned Government Advocate takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.



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3. The case of the petitioner is that he joined the services of the 3rd respondent Panchayat as Water Head Tank Operator on 04.12.1987 in Tiruvallur District, Palavedu Panchayat and he attained the age of superannuation on 30.06.2019 and his last drawn salary was Rs.4,520/-. However, the 3rd respondent failed to pay the gratuity and other retirement benefits. Thereby, the petitioner made an application under the Payment of Gratuity Act before the 2nd respondent, who in turn, vide order dated 07.03.2023 held that the petitioner is entitled for payment of gratuity and the management is liable to pay a sum of Rs.83,447/- with 10% interest. Despite the above said order, the management failed to pay the said amount. Thereby, the petitioner filed an application for recovery of amount and the 2nd respondent, on 23.01.2024, sent a recovery certificate/order to the 1st respondent to recover a sum of Rs.83,447/- with 15% compound interest. However, till date, no action has been taken by the 1st respondent. Hence, the petitioner has come up with the present Writ petition.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that it would suffice if this Court issues



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direction to the 1st respondent to recover the amount of Rs.83,447/- with 15% compound interest from the 3rd respondent under the Revenue Recovery Act and pay the same to the petitioner as expeditiously as possible.

5. Learned Government Advocate appearing on behalf of the respondents submitted that, the recovery order dated 23.01.2024 will be implemented within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to implement the Recovery order dated 23.01.2024 issued by the 2nd respondent, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the 3rd respondent, if there is no legal impediment.



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WEB COPY 7. With the above directions, this Writ petition stands disposed of. No

costs.

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

To:

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