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W.P.Nos.13354 and 13358 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.13354 and 13358 of 2025

N.Sivakumar	... Petitioner in W.P.13354/2025
N.Chandrasekaran	... Petitioner in W.P.13358/2025

Vs.

1.The Controlling Authority/ The Deputy Commissioner of Labour,
O/o.Joint Commissioner of Labour,
Under the Payment of Gratuity Act, 1972,
Coimbatore – 641 018.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Management,
M/s.Brindavan Cotton Spinning Mills (P) Ltd.,
Pollachi Road,
Sulthanpettai – 641 669
Sulur (Taluk),
Coimbatore.

... Respondents in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to issue a certificate under Section 8 of the Payment of Gratuity Act, 1972, to recover the gratuity amount payable to the petitioner along with



W.P.Nos.13354 and 13358 of 2025

WEB COPY

interest at 10% from the date it becomes due to the petitioner as per order in G.A.Nos.37 and 36 of 2022 respectively, dated 20.02.2023 passed by the first respondent within stipulated period and consequently direct the second respondent to recover the amount.

For Petitioners : Mr.A.Deivasigamani

For Respondents : Mr.K.Surendran for R1 and R2
Additional Government Pleader

COMMON ORDER

The writ petitions have been filed seeking issuance of Writ of Mandamus directing the first respondent to issue a certificate under Section 8 of the Payment of Gratuity Act, 1972, to recover the gratuity amount payable to the petitioner along with interest at 10% from the date it becomes due to the petitioner as per order in G.A.Nos.37 and 36 of 2022 respectively, dated 20.02.2023 passed by the first respondent within stipulated period and consequently direct the second respondent to recover the amount.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

2/5



W.P.Nos.13354 and 13358 of 2025

WEB COPY

3.The learned counsel appearing for the petitioners submitted that the respective petitioners filed G.A.Nos.37 and 36 of 2022 respectively, under Section 4 of the Payment of Gratuity Act, before the first respondent and the first respondent passed order in favour of the petitioners on 20.02.2023. Even thereafter the third respondent has not paid the gratuity amount to the petitioners. Hence, the petitioners made representation to the first respondent seeking to initiate revenue recovery proceedings against the third respondent, however, there is no response. The learned counsel further submitted that this Court may issue direction to the first respondent to issue certificate in terms of Section 8 of the Payment of Gratuity Act, 1972 to the second respondent for recovery of the gratuity amount due to the petitioners.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that this Court may issue direction to the first respondent to issue certificate in terms of Section 8 of the Payment of Gratuity Act, 1972 to the second respondent, after providing opportunity to the necessary parties.



W.P.Nos.13354 and 13358 of 2025

WEB COPY

5. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the first respondent to issue certificate in terms of Section 8 of the Payment of Gratuity Act, 1972 to the second respondent, if there is no legal impediment, after providing opportunity to the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petitions are disposed of. No costs.

17.04.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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Under the Payment of Gratuity Act, 1972,
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4/5



WEB COPY



W.P.Nos.13354 and 13358 of 2025

M.DHANDAPANI,J.
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**W.P.Nos.13354 and
13358 of 2025**

17.04.2025