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W.P.No.17097 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 17097 of 2025

K.Thangaraj

...Petitioner

Vs.

1.The District Collector,
Namakkal District,
Trichy Road, Namakkal – 637 001.

2.The Management of Salem Co.Operative
Sugar Mills ltd.,
Rep. by its Special Officer,
Moganur, Namakkal – 637 015.

3.The Controlling Authority under the
Payment of Gratuity Act, 1972 and the
Deputy Commissioner of Labour,
O/o.Joint Commissioner of Labour,
Yercaud Main Road, Salem – 636 008.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to recover the gratuity amount payable to the petitioner along with interest at 10 % from the date it became payable to the petitioner as per the certificate issued by the 3rd respondent dated 31.03.2022 pursuant to the order dated 28.12.2021 in PG Case No.205/2021 passed by him from the 2nd respondent within a time frame.

For Petitioner : Mr. K.M.Ramesh
Senior Counsel
For Mr. V.Subramani

For Respondent : Mr. A.N.Purushothaman
1 & 3 Special Government Pleader

For Respondent 2: Mr. M.Murali

ORDER

The above Writ Petition is filed for a mandamus directing the 1st respondent to recover gratuity amount payable to the petitioner with



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interest from the date it had become payable as per certificate issued by the 3rd respondent dated 31.03.2022 pursuant to the order dated 28.12.2021 in PG Case No.205/2021 from the 2nd respondent within the time frame.

2. The brief facts which has culminated in the filing of the Writ Petition is herein below set out.

3. The petitioner would submit that he had joined the services of the 2nd respondent management as a Non Muster Roll Employee (NMR) and he was thereafter regularised in services on 30.09.2020. He had attained superannuation and was relieved from the services. Since he was not paid gratuity amount as per the provisions of Payment of Gratuity Act, the petitioner filed Form - N before the Controlling Authority claiming differential gratuity amount. This application was numbered as PG.Case.No.205/2021 on the file of the 3rd respondent. By order dated 28.12.2021 the 3rd respondent had held that the petitioner was entitled to differential amount of gratuity and a sum of



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Rs.3,13,848/- was determined as the amount payable to the petitioner by the 2nd respondent management and the 3rd respondent had directed the 2nd respondent management to pay the aforesaid sum together with interest at 10 % p.a., from the date on which the amount became payable till the date of the payment.

4. As against the said order the 2nd respondent had not preferred any appeal and therefore the order had attained finality.

5. Despite receiving the order, the 2nd respondent did not make the payment within 30 days from the date of order. Therefore, the petitioner had sent a representation to the 2nd respondent management requesting them to comply with the orders to which there is no response. Thereafter, the petitioner had approached the 3rd respondent to issue a certificate for recovering the said amount in keeping with the provisions of Section 8 of the Payment of Gratuity Act, 1972.

6. In response to the above request the 3rd respondent had also



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issued show cause notice dated 23.02.2022 to the 2nd respondent as to why the gratuity amount should not be recovered under the provisions of Revenue Recovery Act, to which there is no response.

7. The petitioner would submit that originally the 2nd respondent management came within the jurisdiction of the District Collector, Erode. However, after the bifurcation of the districts the 2nd respondent came under the jurisdiction of the District Collector, Namakkal. Since no action had been taken the petitioner is before this Court seeking the above mandamus.

8. Heard the learned counsels and perused the records.

9. Admittedly, the 2nd respondent management has not complied with the order of the 3rd respondent. Therefore, the petitioner had obtained the recovery certificate from the 3rd respondent. The recovery certificate has been issued in the year 2022 and to date the petitioner has not got a penny towards his gratuity.



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10. Therefore, the Writ Petition is allowed and a mandamus is issued to the 1st respondent to recover the gratuity amount with interest at 10% p.a. from the date when it became payable as per the certificate issued by the 3rd respondent dated 31.03.2023 and pursuant to the order dated 28.12.2021, within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

03.06.2025

Index : Yes/No
Internet : Yes/No

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To

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P.T. ASHA, J,

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