



WEB COPY

WP.No.16999 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.16999 of 2025

P.Vijayan

... Petitioner

Vs.

1.The District Collector
Office Of The District Collector,
Erode District

2.Joint Commissioner of Labour
Erode District

3.The Management
K 1369 Savandapur Primary Agricultural
Co-Operative Society Ltd. Savandapur Post,
Gobi Taluk, Erode District.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India directing the 1st Respondent to initiate appropriate action against the 3rd Respondent under the Revenue Recovery Act based on



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the Letter Having reference A2 / V.V.1 / 2024 dated 28.03.2024 on the file of the Joint Commissioner of Labour, Erode District within the time stipulated by this Honble Court.

For Petitioner : M/s.N.Mohanapriya

For Respondent : M/s.M.Jayanthi, AGP for R.1 & R.2

: M/s.M.Murali, Govt. Advocate, for R.3

ORDER

The petitioner seeks mandamus to the 1st respondent to initiate appropriate action against the 3rd respondent under the Revenue Recovery Act based on the letter dated 28.03.2024 on the file of the Joint Commissioner of Labour, Erode.

2. The petitioner was appointed as a Peon in the 3rd respondent society on 10.10.1987 and after putting in 28 years of service he had attained the age of superannuation on 02.06.2015. After his retirement, he was not paid the terminal benefits and salary due to him by the 3rd respondent. This is on account of the fact that the petitioner was suspended on 25.01.1999 for no specific reason and the suspension was not cancelled for more than 4 years. On account of this prolonged



suspension, the petitioner had approached this Court and the suspension was cancelled on 06.12.2003. Thereafter, the petitioner continued his service in the 3rd respondent society and retired on 02.06.2015. The management had not paid the salary nor any subsistence allowance for the period from 25.11.1999 to 06.12.2003 to the petitioner. That apart, the Provident Fund, Gratuity and Encashment of earned leave were also not paid.

3. In view of the above, the petitioner had filed a claim in PSA.No.44/2021 on the file of the Joint Commissioner of Labour, Erode. By order dated 05.01.2022, the 2nd respondent had directed the 3rd respondent to pay a sum of Rs.4,17,000/-. The order directed the 3rd respondent to pay the said amount within a period of 30 days by a demand draft. However, the 3rd respondent did not come forward to comply with the order. Therefore, the petitioner had once again approached the 2nd respondent who by letter dated 28.03.2024 had requested the District Collector, Erode, the 1st respondent herein to initiate action under the Revenue Recovery Act to recover the amount



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from the 3rd respondent. However, to date, no steps have been initiated for recovering the amount. Therefore, aggrieved the petitioner is before this Court.

4. Heard the learned counsels on either side and perused the records.

5. The only grievance of the petitioner is that the 1st respondent who is tasked with the duty under the Revenue Recovery Act has failed to discharge the said duty. It is seen that though the 2nd respondent had requested the 1st respondent to initiate action under the Revenue Recovery Act vide letter dated 28.03.2024, no action has been taken by the 1st respondent to date.

6. Therefore, considering the fact that the 1st respondent has failed to discharge its statutory duty, the Writ Petition is allowed. The 1st respondent is directed to initiate appropriate action against the 3rd Respondent under the Revenue Recovery Act based on the Letter having reference A2 / V.V.1 / 2024 dated 28.03.2024 on the file of the



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Joint Commissioner of Labour, Erode District, within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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P.T. ASHA. J.,

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