



W.P.No.29622 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29622 of 2019

P.Balan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Collectorate Building,
Chennai – 600 001.
- 2.The Tasildhar,
Office of the Tahsildhar,
Mylapore Taluka,
Chennai – 600 004.
- 3.The Assistant Commissioner of Labour,
DMS Campus, Teynampet,
Chennai – 600 006.
- 4.M/s.M.S.Constructions,
Rep. by its Proprietor
S.Mathivanan,
2nd Floor, Old.No.163, New No.512,
T.T.K. Road, Alwarpet, Chennai 600 018.
(Cause Title amended vide order dated 10.09.2020 made in
W.M.P.No.14903 of 2020 in W.P.No.29622 of 2019 by PDAJ)
- 5.The District Collector,
Office of the Chengalpet District Collector,
Collectorate Building,
Chengalpet 600 301.
(R5 impleaded vide order dt.12.09.2022 made in WMP.6953/2020 in



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WP.29622/2019 by AQJ)

... Respondents

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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent Collector to implement the order in D1/2544/17 dated 12.10.2017 passed by the third respondent.

For Petitioner : Mr.R.Gunalan

For Respondents : Mr.K.Surendran for R1 to R3
Additional Government Pleader
Mr.Niranjan Rajagopalan for R4
for M/s.G.R.Associates

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent Collector to implement the order in D1/2544/17 dated 12.10.2017 passed by the third respondent.

2.The learned counsel appearing for the petitioner submitted that the petitioner joined the office of the fourth respondent as Supervisor during the year 2001 and after rendering 13 years service, the petitioner submitted his resignation letter to the fourth respondent on 18.12.2013 and the fourth respondent accepted his resignation on



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23.12.2013. Since gratuity amount was not paid to the petitioner, he

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filed P.G.12/2015 before the third respondent and the third respondent vide order dated 19.02.2016, directed the fourth respondent to pay a sum of Rs.1,53,000/- towards gratuity along with 10% interest from the date of relieving the petitioner from the company. Since the fourth respondent did not comply with the said order, the petitioner approached the third respondent and the third respondent issued recovery certificate under Section 8 of the Payment of Gratuity Act, 1972 on 12.10.2017 directing the first respondent to recover the payment of Rs.1,53,000/- with 15% compound interest and to deposit the amount by way of demand draft in favour of the third respondent, however the said order was also not implemented.

3.The learned counsel appearing for the petitioner further submitted that this Court may issue direction to the first respondent to implement the order of the third respondent dated 12.10.2017 in D1/2544/17.

4.In view of the limited relief sought for by the petitioner in this writ petition, this Court without going into the merits of the case,



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directs the first respondent to implement the recovery certificate i.e.,

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order of the third respondent dated 12.10.2017 in D1/2544/17, if there is no legal impediment, if not already implemented, within a period of twelve weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of. No costs.

04.04.2025

pri

Index: Yes/ No

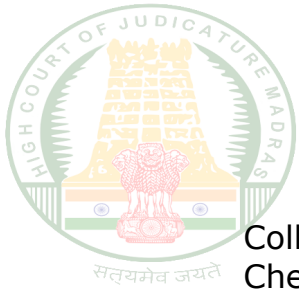
Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The District Collector,
Office of the District Collector,
Collectorate Building,
Chennai – 600 001.
- 2.The Tasildhar,
Office of the Tahsildhar,
Mylapore Taluka,
Chennai – 600 004.
- 3.The Assistant Commissioner of Labour,
DMS Campus, Teynampet,
Chennai – 600 006.
- 4.The District Collector,
Office of the Chengalpet District Collector,

4/5



Collectorate Building,
Chengalpet 600 301.

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M.DHANDAPANI,J.
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