



WEB COPY



W.P.No.343 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.343 of 2025
and W.M.P. No. 385 of 2025

1. A. Veerappan
2. K. Saravanan
3. A. Rajendran
4. M. Maruthamuthu
5. A. Palanisamy
6. S. Sumathi
7. S. Anthonydoss
8. A. Kalimuthu
9. K. Annamalai
- 10.S. Chellapareddiyar
- 11.P. Velusamy
- 12.K. Devarajan
- 13.A. Yesuraj
- 14.C. Sadhasivam
- 15.M. Srinivasan
- 16.A. Kandasamy
- 17.N. Sahadevan
- 18.M. Arunachalam
- 19.S. Kandasamy
- 20.M. Thangarasu
- 21.R. Navaladi
- 22.S. Veerasamy
- 23.R. Subramanian
- 24.C. Ramalingam
- 25.R. Ponnusamy
- 26.R. Chinnusamy

... Petitioners



W.P.No.343 of 2023

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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,
Erode – 638 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to recover the gratuity amount payable to the petitioners along with compound interest at 15% from the date it became payable to the Petitioners as per the Certificate issued by the 3rd Respondent dated 17.11.2023 pursuant to the common order dated 20.07.2022 in P.G. Case Nos.65 to 79, 82 to 93/2022 passed by him from the 2nd Respondent within a time frame.

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

For Respondents-1 & 3: Mr. M. Murali
Government Advocate



W.P.No.343 of 2023

ORDER

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This Writ Petition has been filed to direct the 1st respondent to recover the gratuity amount payable to the petitioners along with compound interest at 15% from the date it became payable to the petitioners from the 2nd respondent, as per the certificate issued by the 3rd respondent dated 17.11.2023 pursuant to the common order dated 20.07.2022 passed in P.G. Case Nos. 65 to 79, 82 to 93 of 2022 within a time frame.

2. The case of the petitioners is that they had joined the services of the 2nd respondent Management as Non-Muster Roll (NMR) employees and were subsequently regularised in service. The petitioners, on reaching the age of superannuation, were relieved from service. Since the petitioners were not paid gratuity as per the provisions of the Payment of Gratuity Act, they filed applications under Form N before the Controlling Authority under the Act claiming the differential gratuity amount. The applications were taken up in P.G. Case Nos. 65 to 79, 82 to 93 on the file of the 3rd respondent. The 3rd respondent, after



W.P.No.343 of 2023

WEB COPY

conducting enquiry, by a common order dated 20.07.2022, held that the petitioners are entitled to payment of the differential amount of gratuity, determined the amount payable to each of the petitioners and directed the 2nd respondent Management to pay the said amounts along with interest at 10% per annum. The 2nd respondent had not filed any appeal against the said order.

3. Despite receiving the said order, the 2nd respondent did not make the payment. The 3rd respondent issued a show cause notice dated 01.08.2023. As there was no response from the 2nd respondent, the 3rd respondent issued a certificate dated 17.11.2023, authorizing the District Collector, Erode District to recover the amount from the 2nd respondent. At that time, the territorial jurisdiction of the 2nd respondent Management was under the District Collector, Erode District. Subsequently, on the formation of Namakkal District, the 2nd respondent Management came under the jurisdiction of the 1st respondent.



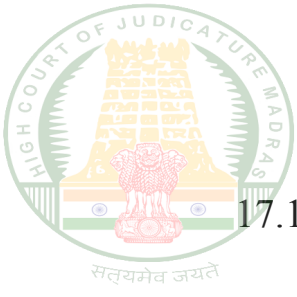
W.P.No.343 of 2023

WEB COPY

4. The District Collector, Erode District had duly forwarded the papers to the 1st respondent to initiate appropriate proceedings to recover the gratuity amount payable to the petitioners. On behalf of the petitioners, information was sought for under the Right to Information Act from the 1st respondent on 04.01.2024. The Public Information Officer, by his letter dated 24.01.2024, stated that the action was being taken. However, no action was taken by the 1st respondent to date. Hence, the petitioner is before this Court.

5. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents and perused the materials available on record.

6. Considering the limited request of the petitioners and the fact that the 1st respondent had failed to give effect to the certificate of recovery issued by the 3rd respondent, a mandamus is issued to the 1st respondent to give effect to the order of the 3rd respondent dated



W.P.No.343 of 2025

17.11.2023 within a period of six weeks from the date of receipt of a copy of this order.

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7. With the above observations, this Writ Petition is allowed. No costs.

19.06.2025

(2/2)

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1. The District Collector,
Namakkal District,
Trichy Road, Namakkal – 637 001.
2. The Special Officer,
The Management of Salem
Co-Operative Sugar Mills Ltd.,
Moganur, Namakkal – 637 015.
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W.P.No.343 of 2025

P.T.ASHA, J.,

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