



W.P.(MD)No.5812 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.5812 of 2025

P.Ramasamy

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Collectorate Complex,
Madurai 625 020.
- 2.The Controlling Authority Under Payment of
Gratuity Act / Deputy Commissioner of Labour,
Office of the Joint Commissioner of Labour,
Bharathi Ula Road,
Madurai 625 002.
- 3.The Tahsildar,
Peraiyur Taluk Office,
Peraiyur Taluk,
Madurai 625 703.
- 4.The Administrator / Management,
M.D.(Spl) Kudipatti Primary Agricultural



W.P.(MD)No.5812 of 2025

WEB COPY Cooperative Credit Society Limited,
Kudipatti, Vandapuli Post,
Peraiyur Taluk,
Madurai 625 705.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 3rd respondents to recover the Gratuity Amount of Rs.6,55,313/- with 10% interest as per the order of the 2nd respondent dated 17.06.2019 in PG.No.116 of 2018 from the 4th respondent under revenue recovery proceedings along with compound interest as per provided under Section 8 of the Payment of Gratuity Act, 1972 within the time limit fixed by this Court.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.F.Keepak,
Spl. Govt. Pleader for R1 to R3
Mr.Pethanaraj for R4



W.P.(MD)No.5812 of 2025

WEB COPY

ORDER

This Writ Petition has been filed seeking Writ of Mandamus, directing the respondent Nos.1 and 3 to recover the Gratuity Amount of Rs.6,55,313/- with 10% interest as per the order of the 2nd respondent dated 17.06.2019 in PG.No. 116 of 2018 from the 4th respondent under revenue recovery proceedings along with compound interest as provided under Section 8 of the Payment of Gratuity Act, 1972 within the time limit fixed by this Court.

2. This matter earlier came up for consideration on 05.03.2025 and the same was adjourned from time to time to enable Mr.F.Deepak, learned Special Government Pleader to get instructions from the respondent Nos.1 and 3.

3. Today, when the matter is taken up for consideration, it is represented by Mr.F.Deepak, learned Special Government Pleader that the respondent Nos.1 and 3 would promptly take steps for recovery of the amounts due under the order dated 17.06.2019 passed in P.G.No.116 of 2018 and recover the amounts from



W.P.(MD)No.5812 of 2025

WEB COPY

the respondent No.4. However, Mr.Pethanaraj, learned counsel appearing for respondent No.4 submitted that there are certain amounts due by the petitioner to respondent No.4 and therefore, respondent No.4 adjusted the statutory amounts towards the said dues.

4. Once an order is passed under the provisions of Payment of Gratuity Act, 1972, the respondent No.4 is bound by the said order and is under the obligation to pay the amounts in terms of the said order. When the respondent No.4 failed to comply with the order passed by the Controlling Authority, respondent Nos.1 and 3 are under obligation to recover the said amounts under the provisions of Revenue Recovery Act, 1864. If there are any amounts due by the petitioner, it is for the respondent No.4 to workout its remedy in accordance with law. But under no circumstances, respondent No.4 is entitled to appropriate the gratuity amounts towards the amounts alleged to have been due from the petitioner.



W.P.(MD)No.5812 of 2025

WEB COPY 5. In the circumstances, in view of the submissions made by the learned Special Government Pleader, this Writ Petition is disposed of directing the respondent Nos.1 and 3 to take necessary steps to recover the amounts due under the order dated 17.06.2019 in P.G.No.116 of 2018 passed by the respondent No.2, as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this order. If the respondent No.1 fails to take necessary steps for recovery of the amount, within the time stipulated by this Court, the matter will be viewed very seriously as the respondent No.1 failed to discharge his legal obligation for the past about six years and allowed the respondent No.4 to adjust the gratuity amount towards the amounts allegedly due from the petitioner. There shall be no order as to costs.

01.04.2025

Neutral Citation: Yes / No

Index : Yes / No

vsm



WEB COPY



W.P.(MD)No.5812 of 2025

MUMMINENI SUDHEER KUMAR, J.

vsm

To

- 1.The District Collector,
Office of the District Collector,
Collectorate Complex,
Madurai 625 020.
- 2.The Controlling Authority Under Payment of
Gratuity Act / Deputy Commissioner of Labour,
Office of the Joint Commissioner of Labour,
Bharathi Ula Road,
Madurai 625 002.
- 3.The Tahsildar,
Peraiyur Taluk Office,
Peraiyur Taluk,
Madurai 625 703.
- 4.The Administrator / Management,
M.D.(Spl) Kudipatti Primary Agricultural
Cooperative Credit Society Limited,
Kudipatti, Vandapuli Post,
Peraiyur Taluk,
Madurai 625 705.

W.P.(MD)No.5812 of 2025

01.04.2025