

W.P.(MD) No.5655 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.5655 of 2025

K.Ganesan

... Petitioner

-VS-

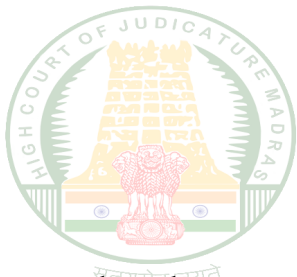
1.The Assistant Commissioner of Labour
Office of Commissioner of Labour Welfare
Bharathi Ula Salai
Race Course Colony
Madurai-625 007

(*)2.The Regional Manager,
Regional Manager Office,
Tamil Nadu Civil Supplies Corporation,
Kuruvikkaran Street,
Anna Nagar,
Madurai-20.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the first respondent to disburse the gratuity amount of Rs. 84,897/- (Eighty four thousand eight hundred and ninety seven rupees) of petitioner's brother in favour of the petitioner basis of the petitioner's representation

<https://www.mhc.tn.gov.in/judis>



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dated 30.12.2024 within the time stipulated by this Court.

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For Petitioner : Mr.M.Pozhilan

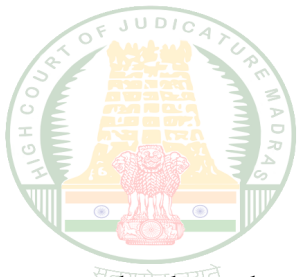
For Respondents : Mr.F.Deepak
Special Government Pleader for R1
Mr.H.Arumugam for R2

ORDER

This writ petition has been filed by the petitioner seeking release of the gratuity amount deposited by the second respondent with the first respondent pertaining to his deceased brother.

2. According to the learned counsel for the petitioner and as seen from the averments made in the affidavit, it is the case of the petitioner that all his siblings have given no objection for withdrawing the gratuity amount deposited by the second respondent with the first respondent pertaining to his deceased brother, however, the first respondent is not releasing the same in his favour.

3. On the other hand, learned Special Government Pleader appearing for the first respondent submitted that the first respondent intended to verify as to



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whether there was any nominee nominated in the service record of the petitioner's deceased brother and therefore, the first respondent required the second respondent as well as the petitioner to appear before him for enquiry by issuing a notice dated 08.02.2024, but the second respondent failed to appear for enquiry and therefore, the matter is pending consideration before the first respondent.

4. Learned counsel appearing for the second respondent submitted that the second respondent has already deposited the due amount of gratuity with the first respondent and therefore, the second respondent is nothing to do with the disbursal of the said amount.

5. This Court, having taken into consideration the overall facts and circumstances of the case, is of the considered view that the first respondent should take appropriate steps for disbursal of the gratuity amount to the petitioner or the other entitled persons by duly conducting necessary enquiry.

6. As seen from the proceedings dated 08.02.2024, the first respondent has already initiated such enquiry and the same could not be completed because of non-cooperation of the second respondent.



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7. In the light of the above, this writ petition is disposed of directing the petitioner as well as the second respondent to appear before the first respondent, on 20.03.2025, with relevant records, without any further notice and on such appearance, the first respondent shall take all necessary steps and conclude the proceedings within a further period of two weeks. The second respondent is further directed to cooperate for conclusion of the enquiry proceedings at the earliest. No costs.

Sd/-

03/03/2025

(*)R2 Cause title is amended vide court order dated 17.03.2025 made in WMP(MD).No. 5534/2025 in WP(MD).No.5655 of 2025.

Sd/-

Assistant Registrar(WRIT)

// True Copy //

/03/2025

Sub Assistant Registrar()

krk



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To be substituted to the order which is already despatched on 11.03.2025

To:

1. The Assistant Commissioner of Labour,
Office of Commissioner of Labour Welfare,
Bharathi Ula Salai,
Race Course Colony,
Madurai-625 007.

(*)2.The Regional Manager,
Regional Manager Office,
Tamil Nadu Civil Supplies Corporation,
Kuruvikkaran Street,
Anna Nagar,
Madurai-20.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-14579[F] dated 05/03/2025)

+1 CC to M/s.SPL.GP (SR-14305[F] dated 05/03/2025)

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03.03.2025

VN (11/03/2025) 5P / 5 C

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VN (18/03/2025) 5P / 5 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.