



W.P(MD)No.21343 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21343 of 2025

P.Dakshinamoorthy

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Controlling Authority / Deputy
Commissioner of Labour,
Combined Labour Department Complex,
Sengulam Colony,
Mannarpuram,
Tiruchirappalli-620 020.

3.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.

4.T.1731, The Sathanur Primary Agricultural
Cooperative Society,
Represented by its President/Secretary,
Sathanur, Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents



W.P(MD)No.21343 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to implement the orders passed by the first respondent in Na.Ka.No. 34326/2020/Vu(1), dated 31.12.2020 based on the order in G.P.No.42/2018, dated 13.04.2018 and consequently ensure the payment of gratuity amount of Rs.90,885/- with 10% interest from the fourth respondent and disburse the same to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : M/s.D.Farjana Ghousia
Special Government Pleader

ORDER

The present writ petition has been filed by a former employee of the fourth respondent Cooperative Society seeking a Mandamus for disbursement of gratuity as per the order of the first respondent, dated 13.04.2018 passed in G.P.No.42 of 2018.

2. A perusal of the records reveal that, the fourth respondent Society has suffered an order at the hands of the second respondent, wherein, the second respondent has directed the fourth respondent Society to disburse gratuity to the



W.P(MD)No.21343 of 2025

WEB COPY

petitioner to a tune of about Rs.90,885/-. Though this order was passed 7 years back, yet the order has not been complied with.

3. The learned Counsel appearing for the petitioner further submits that the revenue recovery proceedings have already been initiated by the District Collector. However, the Society has not chosen to disburse the gratuity amount.

4. Per contra, the learned Special Government Pleader appearing for the Society submits that due to the loss caused by the petitioner to the Society, several proceedings are pending as against him.

5. Unless disciplinary proceedings are initiated and the employee is terminated, the question of forfeiture of gratuity does not arise. In the present case, admittedly, the petitioner has not been terminated and he has been permitted to retire with effect from 31.05.2008. In such circumstances, such a defence cannot be raised by the Cooperative Society.

6. In view of the above said deliberations, the fourth respondent Society is directed to comply with the order of the second respondent, dated 13.04.2018



W.P(MD)No.21343 of 2025

WEB COPY

in P.G.No.42 of 2018, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observation, this writ petition stands disposed of.

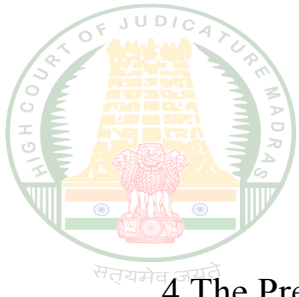
There shall be no order as to costs.

25.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Controlling Authority / Deputy
Commissioner of Labour,
Combined Labour Department Complex,
Sengulam Colony,
Mannarpuram,
Tiruchirappalli-620 020.
- 3.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.



W.P(MD)No.21343 of 2025

4. The President/Secretary,
T.1731, The Sathanur Primary Agricultural
Cooperative Society,
Sathanur, Thiruvaiyar Taluk,
Thanjavur District.



WEB COPY



W.P(MD)No.21343 of 2025

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.21343 of 2025

25.08.2025