
(2006) 07 MAD CK 0211

In the Madras High Court

Case No : Writ Petition (MD) No. 10069 of 2005

N. Kaliappan

APPELLANT

Vs

District Collector and Others

RESPONDENT

Date of Decision : 18-07-2006

Acts Referred:

Citation : (2007) 113 FLR 1035

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : M.S. Subramaniam, for the Appellant; K. Bhaskaran, for the Respondent

Judgement

P. Jyothimani, J.—Heard the learned Counsel appearing for the petitioner and also the learned Additional Government Pleader, appearing for the respondents. By consent of both Counsel, the writ petition is taken up for final disposal.

This writ petition is filed for a direction against the first respondent to take action under the Revenue Recovery Act against the third respondent towards the payment of gratuity to the petitioner as determined by the second respondent in P.G. case No. 148 of 2003, dated July 29, 2003.

2. The case of the petitioner is that he worked under the third respondent mill and retired from service on September 14, 2002. Since the gratuity amount was not settled; the petitioner had approached the Assistant Commissioner of Labour for filing an appeal for the payment of gratuity amount. The Assistant Commissioner of Labour, Tirunelveli, passed an order in P.G, Case No. 148 of 2003, dated July 29, 2003, directing the third respondent/management to pay an amount of Rs. 70,840 along with interest at 8 per cent, being the gratuity amount due to the petitioner.

3. It is for the enforcement of the said order passed by the Assistant Commissioner of Labour, the revenue recovery order, dated June 13, 2005, under the Revenue Recovery Act directing the first respondent to take steps to recover

the sum due under the P.G. Case No. 148 of 2003, from the third respondent was passed. In spite of the fact that the second respondent has directed the first respondent to recover the amount even as early as on June 13, 2005, the first respondent has not taken any steps. In these circumstances, the petitioner has filed this present writ petition.

4. Even though, notice was served on the third respondent, no one has appeared on behalf of the third respondent, either by itself or through its counsel. The learned Counsel for the petitioner would submit that as against the order passed by the Assistant Commissioner of Labour, dated July 29, 2003, there was no further appeal or writ petition, and, therefore, the order of the Assistant Commissioner of Labour has become final,

5. In view of the same, it is the duty on the part of the first respondent to see that the order of the second respondent is implemented by taking steps to recover the amount under Revenue Recovery Act, to which course, the learned Additional Government Pleader, cannot have any objection.

6. In view of the said legal and factual position, the first respondent is directed, to take necessary steps under the Revenue Recovery Act to recover the amount from the third respondent based on the order passed by the second respondent in P.G Case No. 148/2003, dated July 29, 2003, and such action shall be taken within a period of eight weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of- No costs.