
(2002) 06 MAD CK 0004

In the Madras High Court

Case No : Writ Petition No's. 20974 to 20987 of 2002

Tan India Workers Union

APPELLANT

Vs

District Collector and Another

RESPONDENT

Date of Decision : 17-06-2002

Acts Referred:

Payment of Gratuity Act, 1972 — Section 8

Citation : (2003) 1 LLJ 37

Hon'ble Judges : V. Kanagaraj, J

Bench : Single Bench

Advocate : N.V. Shanmuganathan, for the Appellant;

Judgement

1. Petitions are for issue of a writ of mandamus directing the first respondent to expedite the recovery proceedings and recover the gratuity amount

due to the workmen named in the recovery certificate issued by the Assistant Commissioner of Labour/Controlling Authority under the Payment of

Gratuity Act, 1972, Coimbatore.

2. From the affidavits filed in support of these writ petitions what comes to be known is that the petitioner-union is functioning in the second

respondent-company that the workmen members of the petitioner-union, working in the second respondent-company attained superannuation and

they claimed gratuity from the second respondent as per the provisions of Payment of Gratuity Act; that as the respondent did not pay the gratuity,

they preferred applications before the Assistant Commissioner of Labour Controlling Authority and the same was allowed by the said Assistant

Commissioner; that despite the direction given by the Assistant Commissioner of Labour, the second respondent did not pay the gratuity amount

and hence, they approached the petitioner-union; that the petitioner-union has made an application to issue recovery certificates and the same was issued by the Assistant Commissioner of Labour; that thereafter, the petitioner-union gave a representation in respect of all workmen to the first respondent on July 9, 2001 seeking to recover the gratuity amount due to the workmen; that the first respondent did not take any steps to recover the same; hence, the above writ petitions.

3. Considering all the facts and circumstances of the case, this Court is of the view that a direction given to the respondents to consider the applications of the petitioner, dated July 9, 2001, in a time-bound manner will serve the ends of justice.

4. In result:

(i) the above writ petitions are disposed of in the following manner.

(ii) the first respondent is hereby directed to consider the application of the petitioner, dated July 9, 2001, in accordance with law and with due opportunity for the petitioner to be heard within thirty days from the date of receipt of a copy of this order and dispose it as such.

(iii) No costs.