

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 30164 of 2015 (U)

PETITIONER(S):

RAJAN.C.R, AGED 67 YEARS
NO.1334, S/O. RAMAN, WALLARDIE ESTATE
HML, VANDIPERIYAR POST, PEERUMADE TALUK
IDUKKI DISTRICT.

BY ADVS.SRI.P.C.CHACKO(PARATHANAM)
SMT.ASHA CHACKO

RESPONDENT(S):

1. THE DISTRICT LABOUR OFFICER
IDUKKI AND CONTROLLING AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT
OFFICE OF THE DISTRICT LABOUR OFFICER
THODUPUZHA P.O., IDUKKI DISTRICT-685 585.

2. THE MANAGER,
WALLARDIE ESTATE, HML, VANDIPERIYAR P.O.,
PEERUMADE TALUK, IDUKKI DISTRICT-685 533.

BY GOVERNMENT PLEADER SMT. ANITHA RAVEENDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 30164 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : TRUE COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT
DTD.20.7.2010 IN GC NO.50/2008.

P2 : TRUE COPY OF THE NOTICE DTD.14.9.2010 ISSUED BY THE FIRST
RESPONDENT TO THE 2ND RESPONDENT.

True copy

P.S to Judge

RAJA VIJAYARAGHAVAN.V. J

W.P.(C).30164 of 2015

Dated 9th December, 2015

JUDGMENT

1. The petitioner is the applicant in G.C.No.50 of 2008 of the Court of Controlling Authority, Thodupuzha, filed under the provisions of the Payment of Gratuity Act, against the 2nd respondent herein. As per Ext.P1 order dated 20.7.2010, the Controlling authority had allowed the petition and the respondent was ordered to pay a sum of Rs.55,177/- to the petitioner towards gratuity together with simple interest at 10% w.e.f 2.1.2003 till the date of payment. Ext.P2 is the notice in Form-R issued to the petitioner. It is submitted that Ext.P1 and P2 have become final.

2. The grievance projected by the petitioner in this writ petition is that despite the ordering of Exts.P1 and P2 as early as in the year 2010, no steps have been taken by the 1st respondent to implement the same, though applications in that regard were preferred as per the provisions of the Act.

3. The learned Government Pleader, on instructions, submits steps are afoot to execute Ext.P1 and P2 order. Though notice to the 2nd respondent was served , no one has entered appearance.

4. I do not see any reason to deny the prayer sought for by the petitioner.

5. In view of the above, the writ petition is

allowed and the respondents herein are directed to expedite the steps to implement Exts.P1 and P2 orders. Every endeavor shall be made to enable the petitioner to obtain the benefits of the order, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

Mrcs/9/12/2015

//True copy//

P.S.To Judge