

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.Nos.611 to 613 of 2015
and
M.P.Nos.1,1 and 1 of 2015

The Management,
The Coimbatore District Central
Cooperative Bank Ltd.,
Coimbatore-641 018
rep by its General Manager,
Mr.N.Kalaivanan ... Appellant in all writ appeals

Vs.

R.Subramanian ... 1st respondent in W.A.No.611 of 2015

G.Meenakshi ... 1st respondent in W.A.No.612 of 2015

P.Chandramani ... 1st respondent in W.A.No.613 of 2015

2. The Authority under the Payment of Gratuity Act,
Assistant Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-611 018.

3. The Appellate Authority,
Under Payment of Gratuity Act,
Joint Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-611 018. ... Respondents 2 and 3
in all writ appeals

These writ appeals are preferred under Clause 15 of the Letters Patent against the order dated 22.12.2014 passed in M.P.Nos.4 to 4 of 2014 in W.P.Nos.17182 to 17184 of 2014.

M.P.Nos.4 to 4 of 2014:- Petitions praying to issue a direction, permitting the Petitioner/R1 to withdraw the entire account of gratuity deposited on the file of the 2nd respondent pending disposal of the W.P.Nos.17182 to 17184 of 2014 respectively presented under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the order of the 3rd respondent dated 17.04.2014 in AGA.No.88 of 2013, 89 of 2013 and 65 of 2012 respectively partly allowed the order made in G.A.No.133 of 2011, 27 of 2012 and 181 of 2010 respectively on the file of the 2nd respondent dated 11.03.2013, 11.03.2013 and 21.05.2012 respectively and quash the same.

For Appellant : Mr.L.Chandrakumar
for M/s.S.Saravanan

For Respondents : Mr.G.B.Saravana Bhavan for R-1
in all writ appeals

COMMON JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

Questioning the legality and validity of the order dated 22.12.2014 passed in M.P.Nos.4 to 4 of 2014 in W.P.Nos.17182 to 17184 of 2014, the appellant-management has come up with the instant writ appeals.

2. The prime contention of the learned counsel for the appellant is that the first respondent in each writ appeal is not a workman and as such, once the payment is released, it will be difficult for the appellant management to recover the same. Thus, the first respondent may not be permitted to withdraw even the sum of Rs.4 lakhs from the deposited amount.

3. Thiru G.B.Saravana Bhavan, learned counsel appearing for the first respondent in the writ appeals would submit that the first respondent in each writ appeal is entitled to payment. The learned Single Judge ought to have permitted them to withdraw the entire deposited money as the same was deposited for the respondents only.

4. We have considered the facts of the case and also the relevant documents. The impugned order is in the nature of the interim order. While staying the order dated 17.04.2014 passed by the third respondent, the statement of the learned counsel for the

appellant has been recorded that the entire amount as awarded by the authority below has been deposited. Now, the first respondent in each appeal was permitted to withdraw the amount to the tune of Rs. 4 lakhs.

5. We do not find any infirmity or illegality in the order. Thus, these writ appeals are dismissed. However, we grant liberty to the appellant management to make an application in pending writ petitions for considering and deciding the main writ petitions expeditiously. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Authority under the Payment of Gratuity Act,
Assistant Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-611 018.
2. The Appellate Authority,
Under Payment of Gratuity Act,
Joint Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-611 018.

+3cc's to Mr.S.Saravanan, Advocate, S.R.No.19989

+3cc's to Mr.G.B.Saravana Bhavan, Advocate, S.R.No.20008

W.A.Nos.611 to 613 of 2015

KSJ(CO)
CA(21/04/2015)

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