

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25/11/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.37485 of 2015
M.P.No.1 of 2015

Arulmigu Vellingiri Andavar Thirukoil
rep. By its Executive Officer
Poondi, Semmedu Post
Coimbatore 641 114.

... Petitioner

Vs

1. R.Sundararajan
2. The Assistant Commissioner of Labour
Controlling Authority
under Payment of Gratuity Act, 1972
Coimbatore 18.
3. The Commissioner
Hindu Religious and Charitable
Endowments Department
Chennai 600 034.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the second respondent made in G.A.No.67 of 2014 dated 18/9/2015, quash the same.

For petitioner : Mr.R.Rajesh Vivekananthan

For respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader for R3

O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. Heard Mr.R.Rajesh Vivekananthan for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader for the third respondent.

3. This writ petition has been filed praying to quash the order passed by the second respondent in G.A.No.67/2014 dated 18/9/2015.

4. The petitioner, which is a religious Institution, has challenged the order passed by the second respondent, who is the controlling Authority under the provisions of the Payment of Gratuity Act, 1972.

5. Admittedly, as against the impugned order, the petitioner has an alternate remedy of appeal before the Appellate Authority and without exhausting the same, the petitioner cannot straight away approach this Court, as the remedy available under the Act is efficacious and effective. Faced with this situation, the learned counsel appearing for the petitioner seeks permission to approach the Appellate Authority.

6. Accordingly, the writ petition is held to be not maintainable and is dismissed. Liberty is granted to the petitioner to file an appeal before the Appellate Authority. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Assistant Commissioner of Labour
Controlling Authority
under Payment of Gratuity Act, 1972
Coimbatore 18.

2. The Commissioner
Hindu Religious and Charitable
Endowments Department
Chennai 600 034.

+1cc to Mr.R.Rajesh Vivekananthan, Advocate, S.R.No.63946

+1cc to the Government Pleader, S.R.No.64252

W.P.No.37485 of 2015

SKV(CO)

CA(11/12/2015)