



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.07.2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WEB COPY

Writ Petition (MD) No.13594 of 2015

P.Shanmugavel

... Petitioner

Vs

The Managing Director,
National Cooperative Sugar Mills,
B.Mettupatty,
Alanganallur-625 502,
Madurai District.

... Respondent

PRAYER:Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to pay the remaining gratuity amount due towards the petitioner on the basis of the petitioner's representation dated 04.06.2015 within a stipulated time.

For Petitioner

...

Mr.E.K.Kumaresan

For Respondent

...

Mr.R.Anandha Raj

Government Advocate

O R D E R

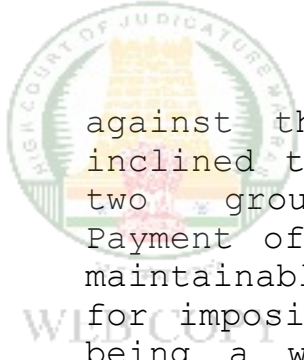
This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to direct the respondent to pay the remaining gratuity amount due towards the petitioner on the basis of the petitioner's representation dated 04.06.2015 within a stipulated time.

2.Mr.R.Anandha Raj, learned Government Advocate takes notice for the respondent.

3.By consent, the main writ petition itself is taken up for final disposal.

4.The case of the petitioner is that he has not been paid gratuity amount and that the respondent may be directed to consider the representation of the petitioner dated 04.06.2015.

5.It is very unfortunate that when there is a special enactment for claiming payment of gratuity is available, it is for the employees to approach the concerned Authority in respect of his rights in accordance with the provisions of the Payment of Gratuity Act, 1947. Without doing so, the petitioner is trying to bypass the provisions of the said Act and approached this Court by way of filing this Writ Petition and that to seek the relief



against the private employer. Therefore, this Court is not inclined to grant the relief as sought for by the petitioner on two grounds, viz., the petitioner has got remedy under the Payment of Gratuity Act, 1972 and that the writ petition is not maintainable against the private party. Though it is a fit case for imposing costs, taking note of the fact that the petitioner being a workman, this Court refrains itself from imposing of costs.

6. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(writ)

/True Copy/

Sub Assistant Registrar

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To
The Managing Director,
National Cooperative Sugar Mills,
B.Mettupatty, Alanganallur-625 502,
Madurai District.

+1cc Mr.E.K.KUMARESAN, Advocate Sr.No. 43478
+1cc to M/S.SPL.GOV.T.PLEADER, SR.NO.43957

JAM/2.9.15/2P-4C

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