

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

CORAM:

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

W.P. No.6440 of 2016 and W.M.P. No.5722 of 2016

State Bank of India
represented by Deputy General Manager
Mr. P. Sivakumar
Zonal Office
Tiruchirapalli Zone
7 Mc Donalds Road
Tiruchirappalli - 620 001

Petitioner

Vs.

- 1 The Appellate Authority under Payment of Gratuity Act, 1972
and Deputy Chief Labour Commissioner (Central), Chennai
Ministry of Labour and Employment
Government of India
Shastri Bhavan, V Floor
No.26, Haddows Road
Nungambakkam
Chennai 600 006
- 2 The Controlling Authority under
Payment of Gratuity Act, 1972
and Assistant Labour Commissioner (Central), Puducherry
Ministry of Labour and Employment
Government of India
DA-2, BSNL Staff Quarters, Jaya Nagar
Reddiarpalayam
Puducherry 605 010
- 3 The State Level Scrutiny Committee
represented by its Chairman and
Secretary to Government
Adi Dravidar and Tribal Welfare (CV-4) Department
Secretariat, Fort St. George
Chennai 600 009
- 4 P. Jayaprakasam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the first respondent from disbursing the gratuity amount to the fourth respondent deposited pursuant to the order dated 16.01.2015 in Gratuity Application No.90 of 2014 passed by the second respondent, till the outcome of the decision of the third respondent regarding his Scheduled Tribe communal status.

For petitioner Mr. P.D. Audikesavalu

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

By this writ petition, the petitioner seeks a writ of mandamus forbearing the first respondent from disbursing the gratuity amount to the fourth respondent, deposited pursuant to the order dated 16 January 2015 in Gratuity Application No.90 of 2014 passed by the second respondent, till the outcome of the decision of the third respondent regarding his Scheduled Tribe communal status.

2 Indisputably, the appeal against the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972, viz., the second respondent, is pending consideration before the appellate authority, i.e., the first respondent. Referring to certain observations made by the second respondent, the petitioner has come up with this writ petition. Once the issue is under consideration before the Appellate Authority, it is for the Appellate Authority to take a decision. Unless some decision is taken by the Appellate Authority, this writ petition is not maintainable.

Resultantly, the writ petition fails and is accordingly dismissed. Costs made easy. Connected W.M.P. is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

To

- 1 The Authorised Officer
LIC Housing Finance Limited
"Harrington Chambers"
No.30/1A, Block A (First Floor) and Block C
Abdul Razack I Street
Saidapet, Chennai 600 015
 - 2 LIC Housing Finance Limited
Bombay Life Building
II Floor, 45/47 Veer Nariman Road
Fort, Mumbai 400 001
 3. The State Level Scrubbing Committee,
Rep. by its Chairman
and Secretary to Government
Adi Dravidar and Tribal Welfare (CV-4) Department,
Secretariat, Fort St.George chennai-9
- +1 cc to M/s.P.D.Audikesavalu Advocate sr.11596
+1 cc to the Government Pleader sr.12079

aa07/03/2016

W.P. No.6440 of 2016

सत्यमेव जयते

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