

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI*

WRIT PETITION No.1883 of 2004

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner college challenged the order dated 17.11.2003 passed by the Controlling Authority under Payment of Gratuity Act, 1972 and Assistant Commissioner of Labour-IV, Hyderabad, in P.G.No.4 of 2002, whereby the petitioner college was directed to pay gratuity to the second respondent herein who worked as a Teacher in the petitioner college.

By order dated 06.02.2004, this Court granted interim suspension of the order under challenge while admitting the writ petition.

Despite service of notice, the second respondent did not choose to enter appearance before this Court either in person or through learned counsel.

Sri S.V.S.S. Siva Ram, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner college, states that the matter is squarely covered by the decision rendered by this Court in W.P.No.2317 of 2004. A copy of the order dated 10.04.2007 passed in the aforesaid writ petition is placed on record.

Perusal thereof reflects that this Court, following the view taken by the Supreme Court in Ahmedabad Private Primary Teachers' Association v. Administrative Officer and others¹, held that teachers would not fall under the provisions of the Payment of Gratuity Act, 1972.

In terms of the aforesaid order and the settled legal position emerging therefrom, the writ petition is allowed setting aside the order

¹ (2004) 1 SCC 755

dated 17.11.2003 passed by the Controlling Authority under Payment of Gratuity Act, 1972 and Assistant Commissioner of Labour-IV, Hyderabad, in P.G.No.4 of 2002.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

Date:22.09.2016

GJ

