

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1319 of 2016

JUDGMENT: (*Per VRS,J*)

The United India Insurance Company Limited has come up with the above writ appeal, challenging an order of the learned single Judge allowing a writ petition filed by the respondent herein and directing payment of gratuity.

2. Heard Ms. V. Uma Devi, learned counsel for the appellant, and Mr. P. Venkat Rao, learned counsel for the respondent.

3. The learned counsel for the respondent does not dispute the fact that the writ petition filed by the respondent seeking payment of gratuity, was allowed at the stage of admission, without notice to the appellant. Therefore, even on the basis of this admission, the order of the learned Judge is liable to be set aside and the matter remitted back.

4. In view of the above, the Writ Appeal is allowed, the order of the learned Judge is set aside, and the matter is remitted back to the learned Judge. The respondent shall serve copies of the affidavit as well as the material papers in the writ petition, upon the counsel for

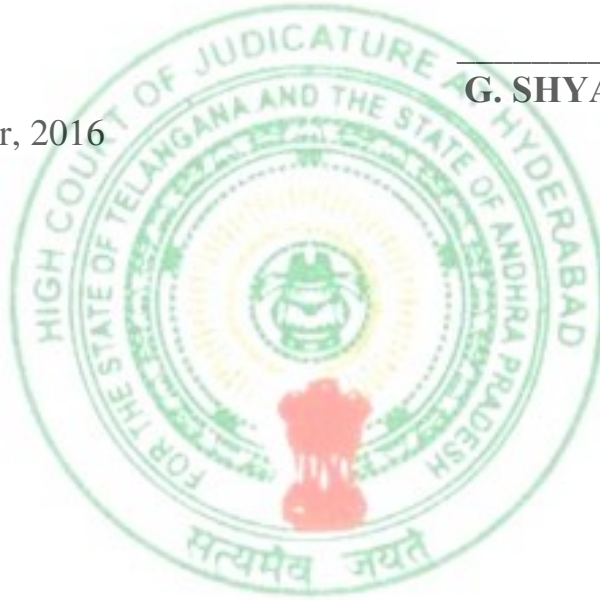
the appellant. Within four weeks from the date of service of these copies, the appellant shall file a counter to the main writ petition. Thereafter, the writ petition may be taken up for hearing and disposed of, in accordance with law.

Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

15th December, 2016
cbs





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(dismissed)

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