

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.8591 of 2017  
and  
W.M.P.No.9407 of 2017

The Management,  
Tamil Nadu Agricultural University  
Horticultural Research Centre,  
Ondikadai Post,  
Yercaud - 636 601. ... Petitioner

Vs.

1.The Controlling Authority under the  
Payment of Gratuity Act and  
the Assistant Commissioner  
of Labour, Salem.

2.T.Sivamanickam ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records relating to the order dated 21.02.2017 in P.G.No.253 of 2016 passed by the first respondent and quash the same as being illegal, arbitrary and unconstitutional.

For Petitioner .. Mr.Abdul Saleem

For Respondents .. Mr.R.A.S.Senthilvel,  
Addl. Govt. Pleader for R1

ORDER

Mr.R.A.S.Senthilvel, learned Additional Government Pleader takes notice for the first respondent.

2.Challenging the order of the first respondent dated 21.02.2017 in P.G.No.253 of 2016, the petitioner has filed the present writ petition.

3. Admittedly, the order impugned is appealable. Learned counsel appearing for the petitioner would submit that on a similar issue, the appellate authority has taken a view. Therefore, the petitioner has filed the present writ petition.

4. This Court is afraid that the said contention cannot be a ground to bypass the statutory remedy of filing an appeal. The appellate authority can always change his view and each case will have to be seen on its own facts. It is not known on what context, the appellate authority has taken a view against the petitioner.

5. In such view of the matter, the writ petition is dismissed, giving liberty to the petitioner to file an appeal within a period of four weeks from the date of receipt of a copy of this order. As and when such an appeal is filed, the same shall be disposed of on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Controlling Authority under the  
Payment of Gratuity Act and  
the Assistant Commissioner  
of Labour, Salem.

2. The Management  
Tamilnadu Agricultural University  
Horticultural Research Centre  
Ondikadai Post  
Yercaud - 636 601.

+1cc to Mr. Abdul Saleem, Advocate, S.R.No.22043  
+1cc to the Government Pleader, S.R.No.22115

W.P.No.8591 of 2017

AK(CO)  
RS(02/05/2017)