

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

Coram

The Honourable Mr. Justice M.M.SUNDRESH

W.P.No.8624 of 2017
and
W.M.P.No.9430 of 2017

The Management,
Diwan Mohamed Memorial Matriculation
Higher Secondary School run by
Tirupattur Co-op. Sugar Mills Ltd.,
Kethandapatti,
Vellore District - 635 851. ...Petitioner

Vs

1.Usha @ Padmini
2.The Assistant Commissioner of
Labour (Gratuity),
O/o.Deputy Commissioner of Labour,
Vellore - 1. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of certiorari to call for the records relating to the impugned order dated 12.10.2016 passed by the second respondent in P.G.No.28 of 2016 and quash the same.

For Petitioner : Mr.R.Bala Ramesh
For Respondents: Mr.S.Diwakar,
Spl. Govt. Pleader for R2

ORDER

Mr.S.Diwakar, learned Special Government Pleader takes notice for the second respondent.

2.Challenging the order dated 12.10.2016 passed by the second respondent in P.G.No.28 of 2016, the petitioner has come up with the present writ petition.

3. Admittedly, the order impugned is appealable. Since there is a statutory remedy available to the petitioner, this Court is not inclined to entertain this writ petition. Once an appeal is provided, the issue pertaining to law and fact can always be raised in the appeal.

4. In such view of the matter, the writ petition stands dismissed, however with liberty to the petitioner to file statutory appeal, if so advised. Considering the facts and circumstances of the case, the petitioner is given four weeks time from the date of receipt of a copy of this order to file such an appeal, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

mmi

To

The Assistant Commissioner of
Labour (Gratuity),
O/o. Deputy Commissioner of Labour,
Vellore - 1.

+ 1 cc to Mr. R. Bala Raman, Advocate Sr. 21619

सत्यमेव जयते

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KJI (CO)
EU 25.4.17

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