

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

**W.P.No.24796 of 2014 &
M.P.No.1 of 2014**

The Principal,
C.S.I. Ewart Matriculation Higher Secondary School,
No.93, Dr.Alagappa Road,
Vepery, Chennai-84. ..Petitioner

Vs.

1.The Appellate Authority under the
Payment of Gratuity Act/
Joint Commissioner of Labour,
Labour Welfare Board Building,
6th Floor, D.M.S.Compound,
Teynampet, Chennai-6.

2.The Authority under the
Payment of Gratuity Act/
Assistant Commissioner of Labour - I,
Labour Welfare Board Building,
6th Floor, D.M.S.Compound,
Teynampet, Chennai-6.

3.Mrs.Swarna Soloman ..Respondents

Prayer: Writ petition is filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent pertaining to his proceedings in No.E/2434/14 and quash the order dated 23.06.2014 and consequently direct

the first respondent to entertain the appeal, dated 25.04.2014 filed by the petitioner without insisting upon the deposit of the award amount made in the order, dated 07.02.2014 in P.G.Case No.281 of 2013.

For Petitioner : Mr.R.Sivakumar

For Respondents : Mr.M.E.Raniselvam
Additional Government Pleader for R1 & R2

Mr.K.Vasuvenkat for R3

ORDER

Against the order passed under the Payment of Gratuity Act, the petitioner filed an appeal, which was returned by the impugned order for non-compliance of mandatory deposit.

2. The learned counsel appearing for the petitioner would submit that the appeal is filed on the premise that the petitioner is not responsible and therefore, the order impugned cannot be sustained in the eye of law.

3. This Court is not inclined to accept the said contention. The relief is sought only against the School, represented by the Principal. Therefore, there is nothing in the personal capacity of the Principal. The Authority, in the first instance, has passed the final order, adjudicating the issue in favour of the

private respondent. When an appeal is filed against the said order, naturally, the mandatory compliance of deposit has to be made.

4. In such view of the matter, this Court does not find any reason to interfere with the order impugned. Taking into consideration the facts of the case, the petitioner is given a further period of four weeks to make mandatory deposit and on such deposit, the first respondent is directed to number the appeal and take the same on file. Given the long pendency of the appeal, the first respondent is directed to dispose of the appeal within a period of twelve weeks thereafter.

5. Accordingly, the Writ Petition is dismissed. There is no order as to costs.

22.06.2017

r n s

M.M.SUNDRESH, J.,

r n s

To

- 1.The Appellate Authority under the
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