

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

Coram

The Hon'ble Mr.Justice M.M.SUNDRESH

W.P. No.27091 of 2015
M.P.No.1 of 2015 &
W.M.P.No.7764 of 2017

The Management,
Metropolitan Transport Corpn., Ltd.,
Pallavan Illam Anna Salai,
Chennai - 600 002.Petitioner

Vs

1. The First Assistant Commissioner of Labour,
The Controlling Authority,
(Authority as under Payment of Gratuity, Act 1972),
O/o office of Commissioner of Labour,
DMS Compound, Chennai - 05.
2. District Collector,
Chennai District,
Singaravelar Maligai,
Chennai -1.
3. Tamilnadu Transport Employees Credit Society,
Teynampet,
Chennai -18.
4. Thirumathi A.Sirumalar,
No.2/44, Vanniyar Street,
Iyyappanthangal, Chennai -56. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records of the order passed by the order passed by the first respondent in P.G.No.101 of 2013, dated 07.02.2014 and the consequential order passed by the second respondent in G3/33528/2014, dated 12.01.2015 and to quash the same as illegal.

For petitioner .. Mr.P.Paramasiva Doss

For Respondent .. M/s.M.E.Rani Selvam AGP for RR1 to R3
Mr.S.T.Varadarajulu for R4

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2. The matter is taken up for hearing, the learned counsel for the respondent would submit that the order impugned is appealable. Since there is an effective alternative remedy, this Court does not want to decide the Writ Petition on merits. However, much delay has occurred in the meanwhile. The fourth respondent though got the order in her favour, she is yet to enjoy her fruits.

3. Considering the above, the petitioner is directed to pay a sum of Rs.1,63,896/- being the gratuity to the fourth respondent without prejudice to the contentions to be raised in the appeal, within a period of four weeks from the date of receipt of a copy of this order.

4. On such compliance, the petitioner is given further period of four weeks to file the statutory appeal. As and when such an appeal is filed, the same will be decided on its own merits, without rejecting the same on the ground of limitation. Since, it is only an interim arrangement, it is well open to the parties to raise all their respective contentions before the Appellate Authority.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

सत्यमेव जयते

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

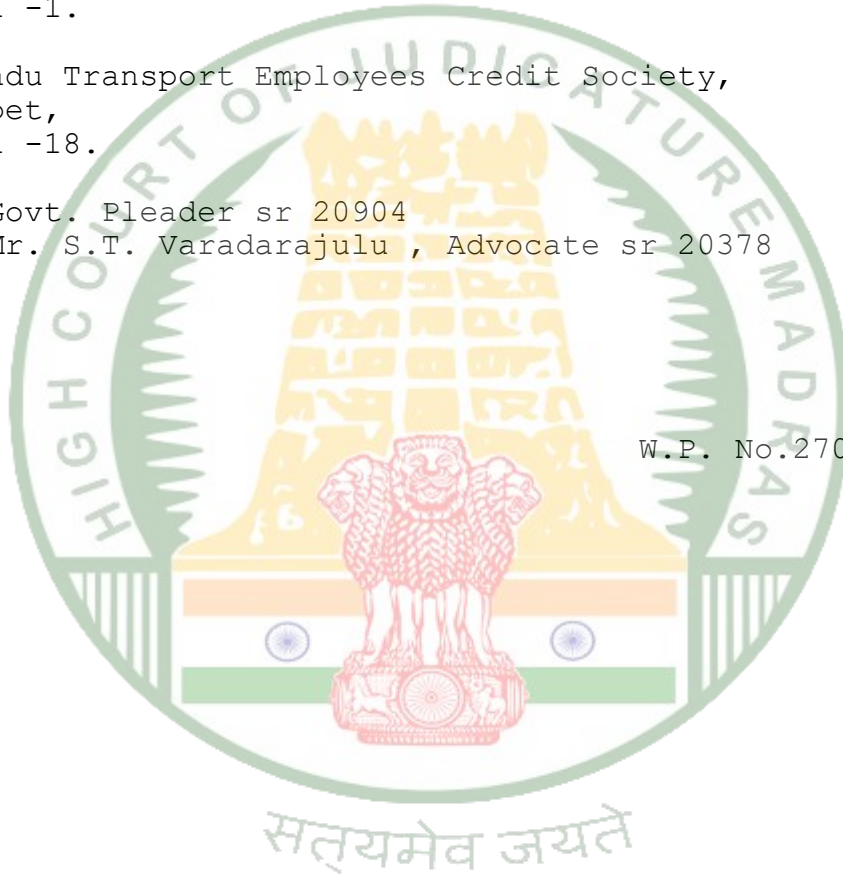
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+1 CC to Govt. Pleader sr 20904

+1 CC to Mr. S.T. Varadarajulu , Advocate sr 20378

W.P. No.27091 of 2015

LRS (CO)
sp/20/4



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