

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2017

CORAM

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

W.P.No.27942 of 2014

and

M.P.No.1 of 2014

The Chintadripet Co-operative Credit
Society Ltd., rep. by its
Secretary .. Petitioner

Vs

1.A.Arumugam
2.The Deputy Commissioner of
Labour for Gratuity,
Chennai - 6. .. 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 of the order passed in Case No.PG 17/2013 dated 15.05.2014, passed by the Deputy Commissioner of Labour for Gratuity and quash the same.

For Petitioner .. Mr.V.Manisekaran

For Respondents .. Mr.S.Narasimhan for R1
Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader for R2

ORDER

Though the miscellaneous petition is listed for hearing, with the consent of learned counsel on either side, the writ petition is taken up for disposal.

2.Heard the learned counsel appearing for the petitioner, learned counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent.

3. Admittedly, the order impugned is appealable. This Court does not find any violation of principles of natural justice, warranting interference through discretionary power available under Article 226 of the Constitution of India. In such view of the matter, the writ petition stands dismissed.

4. The petitioner is given four weeks' time for filing statutory appeal by applying the principle governing Section 14 of the Limitation Act. The said appeal will have to be taken up as if it is within limitation and thereafter decided on merits.

5. The petitioner has deposited 50% of the amount ordered by the Assistant Commissioner of Labour. The private respondent has suffered despite the order in his favour. Therefore, the private respondent is permitted to withdraw the aforesaid amount without prejudice to the contentions on merits by both sides. The said withdrawal is also subject to the final order to be passed in the appeal.

6. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

mmi
To
The Deputy Commissioner of
Labour for Gratuity,
Chennai - 6.

+1 cc to Mr. Diwankattuva Advocate sr 44293
+1 cc to Mr. V. Manisekaran Advocate sr 44126
+1 cc to Government Pleader sr 214509

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