

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.17649 of 2017

and

W.M.P.19282 of 2017

The Management

H.H.535 Melmudiyanur Primary Agricultural
Cooperative Credit Society,
Melmudiyanur, Chengam Taluk,
Thiruvannamalai District.

....Petitioner

Vs.

1. The Assistant Commissioner of Labour /
Appellant Authority Under the Payment
of Gratuity Act, Vellore - 1

2. S.Krishnamurthi,
S/o. Siva Subramanian
No.83, Ayyankula Agraharam,
Thiruvannamalai - 606 001

.... Respondents

Prayer: Petition filed Under Article 226 of the
Constitution of India to issue of Writ of certiorarified
Mandamus, calling for the records relating to the order dated
05.09.2016 made in P.G.A.No.67 / 2016 on the file of the first
respondent herein and quash the same consequently remand back to
1st respondent to conduct fresh adjudication after giving
opportunity to the petitioner.

For Petitioner : Mr.L.P.Shanmugasundaram

O R D E R

The order challenged in this writ petition is the order
passed under the payment of Gratuity Act.

2.The relief sought for in this writ petition is to quash
the order dated 05.09.2017 passed in P.G.A.No.67/2016 by the
Assistant Commissioner of Labour / Appellant Authority for the
payment of Gratuity.

3. Admittedly, the order impugned in this writ petition is an exparte order passed by the competent authority. The only grievance set out in this writ petition is that, no opportunity was given to the writ petitioner to contest the case and an exparte order was passed. Hence, the writ petitioner seeks an opportunity to adjudicate the matter on merits before the Competent Authority / first respondent.

4. However, the writ petitioner instead of filing a petition to set aside the exparte order before the Competent Authority who passed the impugned order hurriedly filed this writ petition under Article 226 of Constitution of India without availing the alternate remedy available to the writ petitioner, the writ petitioner by amending the application to set aside the exparte order.

5. This Court is not inclined to consider the writ petition at this point of time and it is left open to the writ petitioner to approach the competent authority by way of filing the appropriate petition to set aside the exparte order.

6. With these observations, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst. Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Assistant Commissioner of Labour / Appellant Authority Under the Payment of Gratuity Act, Vellore - 1

+1cc to M/s.L.P.Shanmuga Sundaram, Advocate in sr.no.49530

W.P. No. 17649 of 2017

MV (CO)
NR 10/08/2017

WEB COPY