

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

W.A.Nos.2601 & 2602 of 2010

The Management of Ashok Leyland Limited
19, Rajaji Salai
Chennai 600 001

... Appellant in both the appeals

-vs-

1. S.P.Ganesan

2. The Appellate Authority under
the Payment of Gratuity Act
(Joint Commissioner of Labour)
Teynampet
Chennai 600 006

... Respondents in both the appeals

Writ Appeal prayer Appeals under Clause 15 of the Letters Patent, against the order dated 16.09.2010 made in W.P.Nos.11157 & 11158 of 2003 respectively filed under Article 226 Constitution of India praying this Court for issue of Writ of certiorari to call for the records passed by the Second respondent dated 31.01.2003 in PG Appeal Nos.53 & 29 of 2002 on the file of the Second Respondent and quash the same.

For Appellant :: Mr.R.Sanjay Mohan
for M/s S.Ramasubramaniam & Asso.

For Respondents :: Mr.K.Shanmugakani for R1
R2-Court

JUDGMENT

(Judgment of the Court was made by G.JAYACHANDRAN, J.)

It is a case of payment of gratuity to an employee under the appellant, who initially joined as Trainee in the year 1965 and later absorbed as Semi-skilled (Higher) Worker in 1966, on completion of the training period.

2. The short point involved in these writ appeals is whether the training period should be taken into account for the calculation of gratuity. The Authority under the Payment of Gratuity Act as well as the learned single Judge has held in favour of the first respondent/employee that the training period should be taken into account for calculating gratuity. Pursuant to the interim order passed by this Court, the appellant/Management has also paid the difference amount due to the first respondent. Therefore, except the question whether the period of training to be included for calculating gratuity, nothing survives in these writ appeals. We feel that issue need not be looked into in this case at this stage. The point is left open for decision in appropriate case in future. The writ appeals are disposed of accordingly. Consequently, M.P.Nos.1 of 2010 are closed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ss

To

1. The Joint Commissioner of Labour
(Appellate Authority under
the Payment of Gratuity Act)
Teynampet
Chennai 600 006

+2cc to M/S.Ramasubramanian Associates,
Advocate Sr. 47376 & 47375

W.A.Nos.2601 & 2602 of 2010

SS (CO)
VR(20/07/2017)

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