

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33724 of 2003

K.Arumugam
... Petitioner

Vs.

1. The Joint Commissioner of Labour,
(Appellate Authority under the
payment of Gratuity Act),
Coimbatore.
2. The Assistant Commissioner of Labour,
(Controlling Authority under the
payment of Gratuity Act),
Coimbatore.
3. The Management of Thirumoorthy
Transport Pvt Ltd.,
2.S.V.V.Naidu Street, Pollachi.
... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the first respondent herein dated 27.06.2003 and made in A.G.A.No.52/2002 and quash the same.

For Petitioner : Mr.V.Bhiman

For Respondents : Mrs.K.Bhuvaneswari,
Government Advocate for R1 & 2
Mr.S.Silambanan for R3

O R D E R

The petitioner has filed an application in G.A.No.182/2001 before the 2nd respondent herein for grant of gratuity payable to him by the 3rd respondent.

2.The petitioner was aggrieved by the orders passed by the payment of Gratuity Authority, wherein he lost before both the authorities and has filed the present writ petition.

3.The case of the petitioner is that he has filed this application before the second respondent under Sub-Section 7 of the Payment of Gratuity Act, 1972, against the order dated 22.04.2002 claiming Rs.50,808/- as payment of Gratuity due from the third respondent. However, the second respondent accepted the stamped receipt (voucher) which was signed by the petitioner after receiving the gratuity amount in the presence of MW1-Arumugham his co-employee on 03.04.2000, wherein the entire due was settled i.e. Rs.43,313/- by the fourth respondent in favour of the petitioner and it is also an admitted fact that the petitioner worked with the fourth respondent.

4.Aggrrieved by the order of the second respondent, the petitioner filed an appeal before the Appellate Authority namely the first respondent. The first respondent also confirmed the order of the Controlling Authority appointed by the Payment of Gratuity Act and categorically both the authorities arrived at the conclusion after analysing the connected documents that the petitioner was paid Rs.43,313/- and the management also obtained the voucher dated 03.04.2000 towards the settlement of Gratuity. Thereafter, he did not continue his employment with the fourth respondent.

5.In view of the categorical position, the due was settled towards full and final settlement and the same is arrived by both the authorities. The order passed by both authorities need not be interfered with. The law is well settled that the original authority as well as the Appellate Authority factually decided the matter, hence re-appreciating the facts under Article 226 of the Constitution of India is not maintainable. Accordingly, this writ petition is dismissed. No costs.

-s/d-

Assistant Registrar(CS-IV)

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

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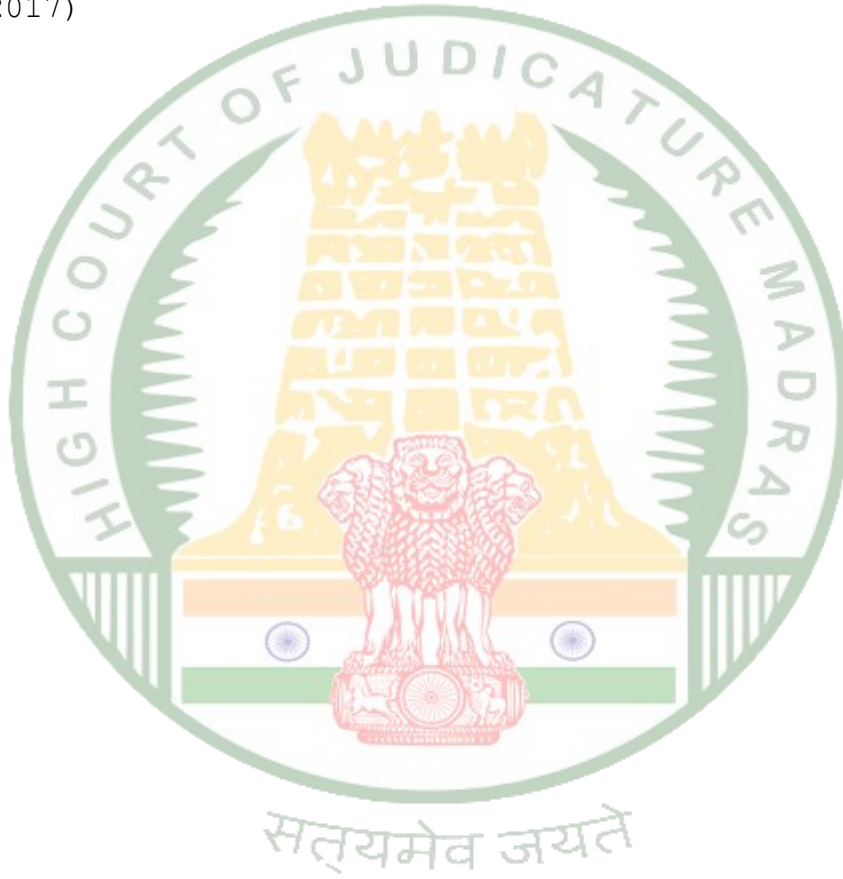
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+1 CC to Mr.V. Bhiman, Advocate sr 68761.

W.P.No.33724 of 2003

SP(25/10/2017)



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