



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

AND

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A. (MD) .Nos. 481 to 484 of 2015

and

M.P. (MD) Nos. 1, 1, 2, 1, 2, 1, 2, of 2015

The Management, rep by the Special Officer,

B.2295. Madurai Co-operative Printing

Works Ltd, 15.T.P.K. Road,

Andalpuram, Madurai-3. : Appellant in all Writ Appeals/Petitioner
Vs.

1. The controlling Authority under the payment
of Gratuity Act, (The Assistant Commission of Labour)
Sundaram Theatre Road,
K.K. Nagar, Madurai-625 020. : 1st Respondent in all Writ Appeals
1st Respondent

M. Palanisamy	: 2 nd Respondent in <u>W.A. [MD]. No. 481 of 2015</u>
P. Athimoorthy	: 2 nd Respondent in <u>W.A. [MD]. No. 482 of 2015</u>
M. Ganesan	: 2 nd Respondent in <u>W.A. [MD]. No. 483 of 2015</u>
K. Paluchamy	: 2 nd Respondent in <u>W.A. [MD]. No. 484 of 2015</u>

COMMON PRAYER: Writ Appeal is filed under clause 15 of the letters patent, to allow the Appeal; set aside the order passed in W.P. No: 13244 to 13247 of 2010 dated 01.11.2010, grant the relief as prayed for the writ petition.

Prayer in WP (MD). 13244/ 2010 to 13247 of 2010:

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI or such other suitable writ or order calling for the records of the 1st Respondent in P.G. No. 90/08, 48/08, 89/08, and 88/08 respectively and quash the impugned order passed in P.G. No. 90/08, 48/08, 89/08, and 88/08 Dt. 19.04.10.

For Appellant	: Mr. S. Seenivasagam in all Writ Appeals
For R1	: No Appearance in all Writ Appeals
For R2	: Mr. V. R. Venkatesan in all Writ Appeals

COMMON JUDGMENT

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

The unsuccessful writ petitioners are on appeal challenging the order dated 01.11.2010 made in W.P. (MD) Nos. 13244 to 13247 of 2010.



2.The Writ petitions were filed by the employees who retired from the service of the appellant Co-operative Society. They filed applications before the Controlling Authority under the payment of Gratuity Act, Madurai. The Authority determined the gratuity amount based on the last drawn wages. The grievance of the appellant management is that the employees were drawing their salary pursuant to an illegal settlement entered into with the board of management and that to terminate the same, notice under Section 9-A of the Industrial Dispute Act was issued. The said notice was challenged and interim stay was obtained. That is how their pay under the illegal settlement continued to be drawn by the employees.

3.According to the learned counsel for the appellant management, the Controlling Authority was in error in adopting the last drawn wages actually received by the employees. The learned Judge did not agree with the said contention as the controlling authority could not speculate on the outcome of the writ proceedings. He could not have indefinitely waited. Therefore the Controlling Authority chose to go by the actually last drawn wages received by the employees at the time of retirement. The learned Judge held that there is no illegality or infirmity in the approach adopted by the controlling authority. We fully agree with the stand taken by the learned Single Judge. There is absolutely no merit in these appeals.

4.Accordingly, these writ appeals stand dismissed with costs of Rs.5000/- per appeal. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

The controlling Authority under the payment
of Gratuity Act, (The Assistant Commission of Labour)
Sundaram Theatre Road,
K.K.Nagar, Madurai-625 020.

+4cc to Mr.V.R.Venkatesan , Advocate Sr.No.72552

SMI/GSP

VB/MR/KKR/SAR4/20/09/2017/2P/6C