



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.20728 of 2017

and

W.M.P. (MD) No.16999 of 2017

The Management
RS 857 Manamadurai Urban Coop,
Credit Society, Manamadurai,
Sivagangai District.

... Petitioner

Vs.

1.M.S.Srinivasan,

2.The Authority under the Tamil Nadu Payment of
Gratuity Act(The Assistant Commissioner of Labour),
Near Thamarai Thotti,
Madurai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pursuant to the impugned orders passed by the 2nd respondent made in P.G.No.256/2016 dated 18.07.2017 and consequential review order made in Na.Ka.No.M6/4957/2017 dated 11.09.2017 and quash the same as illegal.

For Petitioners : Mr.R.Saravanan

For Respondents : Mr.A.K.Baskara Pandiyan
Special Government Pleader

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the records pursuant to the impugned orders passed by the 2nd respondent made in P.G.No.256/2016 dated 18.07.2017 and consequential review order made in Na.Ka.No.M6/4957/2017 dated 11.09.2017 and quash the same as illegal.

Pleader appearing for the respondents.

3. Since there is an alternative remedy by way of appeal under Section 7(7) of Gratuity Act, 1972, the learned counsel for the petitioner has sought permission of this Court to withdraw the Writ Petition with liberty to file such appeal against the impugned order before the competent authority and he has also made an endorsement to that effect.

4. Recording the said submission and endorsement made, this writ petition is dismissed as withdrawn, with liberty to file an appeal against the impugned order passed by the second respondent before the competent authority. No costs. Consequently, the connected miscellaneous petition is closed.

5. The Registry is directed to return the certified copy of the impugned order filed in this Writ Petition to the learned counsel for the petitioner immediately to enable the petitioner to prefer appeal.

6. The time period taken in presenting this Writ Petition shall be excluded while computing the period of limitation for filing such appeal

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Authority under the Tamil Nadu Payment of Gratuity Act(The Assistant Commissioner of Labour),
Near Thamarai Thotti,
Madurai District.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.R.Saravanan , Advocate in SR No. 86695

Smi

AE/SKN RSK/SAR1/06.12.2017/2P/4C