

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16483 OF 2001

ORDER

Heard Sri C.V.Mohan Reddy, learned counsel appearing for the petitioner and Smt G.Jhansi, learned counsel appearing for the 1st respondent.

This writ petition is filed seeking to issue a writ of Mandamus declaring the order passed by the 2nd respondent on 27.3.2001 in P.G.A.No.1 of 2000, as arbitrary and illegal and to set aside the same.

It is the case of the petitioner that the 1st respondent-workman is not entitled to gratuity; that at the relevant point of time, the 1st respondent was not working with the petitioner-institution; that the 2nd respondent-authority has erroneously passed the impugned order, wherein a direction was given to the petitioner-institution to pay gratuity to the 1st respondent; that the employees of petitioner-institution are not entitled to gratuity as the petitioner is running the educational institutions on non-profit basis and prays to set aside the order passed by the 2nd respondent.

On the other hand, learned counsel appearing for the 1st respondent contends that the 2nd respondent has rightly passed the impugned order. He further submits that the petitioner-institution has already paid gratuity to the 1st respondent, who, in turn, has already withdrawn the said amount and hence, nothing survives in the present writ petition and the same is liable to be dismissed.

I have considered the rival submissions made by the learned counsel on either side.

The 2nd respondent has rightly adjudicated the matter in favour of the 1st respondent granting the relief as sought for and directing the petitioner-institution to pay the gratuity. As per the Payment of Gratuity Act, 1972 (for short 'the Act'), the Government of India had issued a notification on 3rd April, 1997, wherein educational institutions were also covered under the said Act. As on the date of notification issued by the Government of India, the 1st respondent was serving in the petitioner-institution. No illegality is committed by the 2nd respondent in passing the impugned order directing the petitioner-institution to pay gratuity to the 1st respondent. The writ

petition is devoid of merits and the same is liable to be set aside.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th December, 2017
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