

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

**W.V.M.P.No.4960 of 2016 in W.P.M.P.No.17899 of 2016 in
W.P.No.14364 of 2016 & W.P.No.14364 of 2016**

&

**W.V.M.P.No.4971 of 2016 in W.P.M.P.No.17902 of 2016 in
W.P.No.14366 of 2016 & W.P.No.14366 of 2016**

COMMON ORDER:

Heard the learned counsel for both the parties.

2. These two applications are filed to vacate the interim orders dt.25-04-2016 in W.P.M.P.No.17899 of 2016 in W.P.No.14364 of 2016 and in W.P.M.P.No.17902 of 2016 in W.P.No.14366 of 2016.

3. The parties would be referred as per their array in the respective Writ Petitions.

4. In these two Writ Petitions, the Writ Petitioner has assailed orders dt.09-01-2015 passed by the 2nd respondent on the applications moved by the respective 1st respondents under the provisions of the Payment of Gratuity Act, 1972.

5. Under the impugned orders passed by 2nd respondent, the respective 1st respondents has been found to be entitled to certain amounts under the Payment of Gratuity Act, 1972 and the Writ Petitioner has been made liable to pay the said amount.

6. Admittedly, the Writ Petitioner in both the cases has a remedy of statutory appeal under sub Section (7) of Section 7 of the said Act, 1972. In the affidavits filed by the petitioner in support of

both the Writ Petitions, no reason is assigned by the Writ Petitioner as to why the petitioner has not availed the alternative remedy of appeal.

7. It is not the case of the Writ Petitioner in both the cases that 2nd respondent has no jurisdiction to pass the impugned order or that there has been violation of principles of natural justice by 2nd respondent.

8. Therefore, I am of the opinion that the Writ Petitioner in both the cases could not have directly approached this Court without availing the alternative remedy of appeal provided under Section 7 (7) of the Act.

9. Therefore, the interim orders dt.25-04-2016 in W.P.M.P.No.17899 of 2016 in W.P.No.14364 of 2016 and in W.P.M.P.No.17902 of 2016 in W.P.No.14366 of 2016 are vacated and W.V.M.P.No.4960 of 2016 in W.P.No.14364 of 2016 and W.V.M.P.No.4971 of 2016 in W.P.No.14366 of 2016 are allowed. Consequently, the respective Writ Petitions are dismissed granting liberty to the Writ Petitioner to avail the remedy of appeal under the Payment of Gratuity Act, 1972. No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02-01-2017
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