

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP No.5431 of 2018

IN WP.3957/2018

1 THE CHAIRMAN CUM MANAGING [PETITIONERS]
DIRECTOR & CEO, CORPORATION BANK-HEAD OFFICE,
MANGALADEVI TEMPLE STREET, MANGALORE 575 001

2 THE EXECUTIVE DIRECTOR
(DISCIPLINARY AUTHORITY) CORPORATION BANK,
HEAD OFFICE, MANGALADEVI TEMPLE STREET,
MANGALORE 575 001

3 THE ASSISTANT GENERAL
MANAGER, HUMAN RESOURCES MANAGEMENT,
PERSONNEL ADMINISTRATION DIVISION CORPORATION
BANK (EMPLOYEES) PENSION FUND & GRATUITY FUND,
CORPORATION BANK, HEAD OFFICE, MANGALADEVI
TEMPLE STREET MANAGALORE-575 001

Vs

1 THE DEPUTY CHIEF LABOUR [RESPONDENTS]
COMMISSIONER (CENTRAL), (THE APPELLATE AUTHORITY
UNDER PAYMENT OF GRATUITY ACT, 1972) NO.26, IIIRD BLOCK,
5TH FLOOR, SHASTRI BHAWAN, HADDOWS ROAD,
NUNGAMBAKKAM, CHENNAI-6

2 THE ASSISTANT LABOUR
COMMISSIONER (CENTRAL), (THE CONTROLLING AUTHORITY
UNDER PAYMENT OF GRATUITY ACT, 1972) DMS COMPOUND,
TEYNAMPET, CHENNAI 600 006

3 SHRI.M.SWAMINATHAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to declare the sanction order dated 02.02.2018 issued by the first respondent pursuant to the impugned order dated 30.11.2017 as null and void pending WP No.3957/2018.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.SUTHAKAR, Advocate for the petitioner and of MR.BALAN HARIDASS, Advocate for the 3rd respondent, the court made the following order:-

The writ petitioners have filed this WMP, seeking appropriate direction to the respondent No.3 to deposit gratuity received, in a Fixed Deposit Account, as criminal charges have connection with his service misconduct is pending against him and the relevant Service Regulation prescribes for withholding the same during the said period still the same was directed to be paid to him and during pendency of the writ petition, challenging such order, the gratuity has been disbursed to him. The same has been resisted by the learned counsel appearing for the respondents with the submission that in view of the mandate of Section 14 of the Payment of Gratuity Act, which has overriding effect over such relevant regulation, taking note of the same, the Appellate Authority and the Controlling Authority, namely, the first and the second respondents herein, under the Payment of Gratuity Act, 1972 have held that the provisions of Payment of Gratuity Act have overriding effect over the Regulations, the WMP is devoid of merit.

2. Considering the facts and the submissions made by the learned counsel appearing for the parties and also the fact that the gratuity has already been released and disbursed to the petitioners, pending disposal of this writ petition, challenging such direction on payment, it is observed that the gratuity so released to the petitioners shall be subject to the result of the writ petition. It is made clear that if the result of the writ petition so warrants, the respondents shall deposit the amount paid.

3. With the aforesaid order, the WMP stands closed.

-sd/-

19/03/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DEPUTY CHIEF LABOUR
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C.C. to M/S.V.SUTHAKAR Advocate SR.NO. 3462

Order

in
WMP.5431/2018

in
WP.3957/2018

Date :19/03/2018

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