

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1559 of 2018
and

C.M.P.Nos.12593 and 16497 of 2018

The General Manager
M/s. Lakshmi Vilas Bank HRD Department
LVB House 4/1 Sardar Patel Road
Guindy Chennai 600 032 Appellant

Versus

- 1 The Deputy Chief Labour Commissioner
(Central) Chennai &
The Appellate Authority under
The Payment of Gratuity Act 1972
26 Haddows Road
Shastri Bhavan Chennai 600 006
- 2 The Regional Labour Commissioner
(Central) &
The Controlling Authority under
The Payment of Gratuity Act 1972
New No.5 Old No.1-A (II Floor)
Lady Doak College Road
Chinna Chockikulam
Madurai 625 002.

- 3 A.N. Ramesh Babu Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 5.7.2018 passed in W.M.P.No.9747 of 2018 in W.P.No.27884 of 2017 on the file of this court. Praying for interim injunction restraining the controlling Authority under the Payment of Gratuity Act 1972 & Regional Labour Commissioner (Central), Madras, the 2nd Respondent herein from disbursing the amount of Gratuity Appeal of Rs.12,52,067/- lying in deposit with him to the 3rd Respondent.

For appellant : Mr.T.R.Sathiyamohan

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.K.M.Ramesh, learned counsel appearing for the third respondent.

2. This writ appeal has been filed by Lakshmi Vilas Bank challenging the interim order granted by the learned Single Judge directing for payment of 50% of the gratuity amount which has been deposited by the appellant Bank.

3. Having heard the learned counsel appearing for the parties and perused the materials available on record, we find that the appellant-Bank seeks to challenge the order passed by the learned Single Judge mainly on the ground that due to the misconduct of the third respondent herein while in service with the appellant-Bank, viz., violation of cheque collection policy norms and allowing of unauthorised immediate credits, which is said to have been proved in the departmental enquiry, he was removed from service. The loss alleged to have been caused to the appellant-Bank is about eight crores and odd.

4. Therefore, it appears that the appellant-Bank, being guardian of the public money, who is supposed to maintain the faith imposed by the investors, seeks to protect the interest of the investors by taking a policy decision not to release the gratuity amount of the respondent-employee, without there being a final decision on the issue.

5. In the facts and circumstances of the case, while ordering status quo to be maintained, we request the learned Single Judge to re-consider the issue and decide the main case itself, after affording opportunity of hearing to the parties, within a period of three months from the date of receipt of a copy of this judgment. It is left open to the parties to raise all their contentions before the learned Single Judge. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

ssk.

To:

1. The Deputy Chief Labour Commissioner

(Central) Chennai &
The Appellate Authority under
The Payment of Gratuity Act 1972
26 Haddows Road
Shastri Bhavan Chennai 600 006

2. The Regional Labour Commissioner
(Central) &
The Controlling Authority under
The Payment of Gratuity Act 1972
New No.5 Old No.1-A (II Floor)
Lady Doak College Road
Chinna Chockikulam
Madurai 625 002.

Copy To :

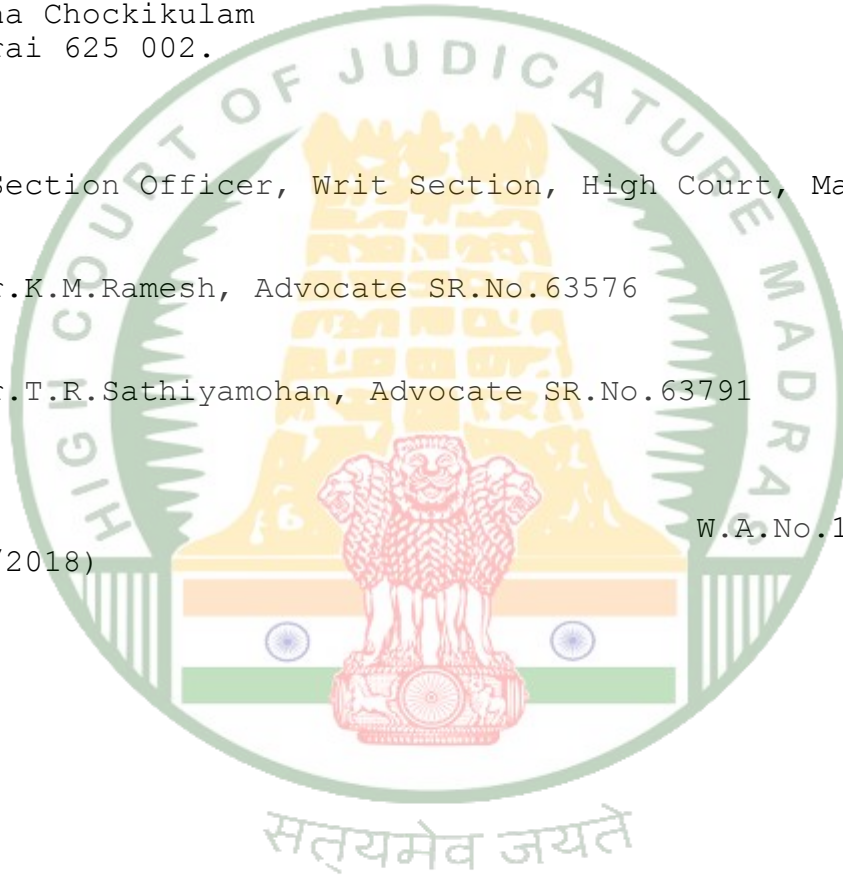
The Section Officer, Writ Section, High Court, Madras -104.

+1cc to Mr.K.M.Ramesh, Advocate SR.No.63576

+1cc to Mr.T.R.Sathiyamohan, Advocate SR.No.63791

GMV (04/10/2018)

W.A.No.1559 of 2018



WEB COPY