

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6979 of 2018

The Managing Director,
Maduranthagam Coop Sugar Mills,
Padalam - 603 208,
Kancheepuram District. .. Petitioner

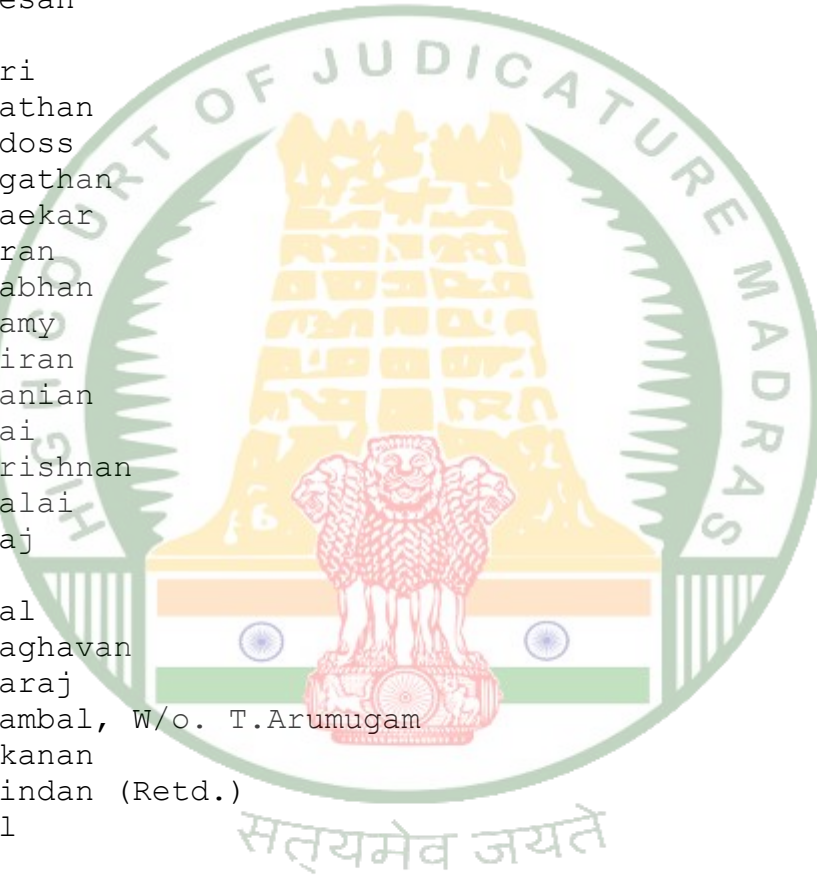
Vs

- 1.The Joint Commissioner of Labour,
Appellate Authority
Under the Payment of Gratuity Act, 1972,
D.M.S. Compound,
Teynampet, Chennai -6.
- 2.The Assistant Commissioner of Labour,
Controlling Authority
Under the Payment of Gratuity Act, 1972,
D.M.S. Compound,
Teynampet, Chennai -6.
- 3.The District Collector,
Kancheepuram District, Kancheepuram.
- 4.The Tahsildar,
Maduranthagam Taluk, Kancheepuram Dt.

- 5.V.Mani
- 6.S.Kumar
- 7.S.Thiruvengadan
- 8.P.Jakkammal, W/o. (Pachaiyappan)
- 9.K.Saraswathi, W/o (Kannayiram)
- 10.N.Dorairaj
- 11.V.Ramesh
- 12.M.Haridoss
- 13.R.Vedachalam
- 14.J.Renugopal
- 15.R.Harikrishnan

WEB COPY

16.E.Ravi
17.B.Kothandaraman
18.B.Elumalai
19.G.Kannivelu
20.E.Swamykannu
21.R.Chidambaram
22.N.Venkatesan
23.G.Kathavarayan
24.G.Shanmugam
25.S.Rashya
26.E.Thulukkanam
27.K.Sundaresan
28.C.Venu
29.P.Vedagiri
30.J.Jagannathan
31.P.Muralidoss
32.B.Rukmangathan
33.M.Chandraekar
34.K.Manoharan
35.A.Padmanabhan
36.V.Kuppusamy
37.L.Kannabiran
38.P.Subramanian
39.M.Elumalai
40.V.Muthukrishnan
41.S.Thirumalai
42.R.Dorairaj
43.V.Venu
44.D.Dhanapal
45.N.Veeraraghavan
46.M.Govindaraj
47.A.Sundarambal, W/o. T.Arumugam
48.M.Thulukkanan
49.P.E. Govindan (Retd.)
50.V.Perumal
51.M.Gopal
52.R.Dhanapal
53.M.Vedachalam
54.N.Kuselan
55.A.Kasthuri, W/o. Arulappan
56.R.Chakkaravarthi
57.M.Muthu
58.K.Raji
59.E.Perumal
60.S.Selvaraj
61.N.Arumugam
62.N.Muthuswamy
63.K.Rajasekar



WEB COPY

64.T.Kathirvelu
65.K.Vengappan
66.Chellappan
67.Selvaraj
68.Govindan
69.Sundar
70.Balu
71.Govindaraj
72.Murugan
73.C.Mohan
74.Ramesh
75.M.Elumalai
76.K.Kuppusamy
77.K.Lakshmi
78.S.Chellam
79.A.Nagammal
80.V.Indirani
81.R.Bhavani
82.L.Nagammal
83.V.Gowri
84.S.Chinnammal
85.G.Yasoda
86.S.Chinthamani
87.M.Dhanam
88.V.Chellam
89.R.Panjali
90.A.Parvathi
91.V.Valli
92.K.Elammal
93.Chinnammal
94.G.Athiyammal
95.M.Sulochana
96.M.Krishnaveni
97.D.Paattammal
98.V.Seetha
99.K.Kanniappan
100.M.Sumathi
101.R.Venkatesan

(Respondents 5 to 100, rep. By R-101
National Public Employees Union)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the second respondent culminating in the order dated 03.05.2016 made in Lr.No.D1/0482/2016 and consequential order of the third respondent dated 09.03.2017 made in Lr.Na.Ka.No.10956/2016/U2 and quash the same.

For petitioner : Mrs.G.Thilagavathi, SC
for Mr.R.Gophinath

For R1 to R4 : Mr.V.Jayaprakash Narayanan, Spl.GP

O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned proceedings dated 03.05.2016 passed by the second respondent / the Assistant Commissioner of Labour, Chennai, demanding additional amount of Rs.13,73,276/- as well as the consequential demand notice dated 09.03.2017 issued by the third respondent / the District Collector, Kancheepuram District, demanding to deposit further sum of Rs.13,73,276/-.

2. It is submitted by the learned Senior counsel for the petitioner that pursuant to the order passed by the Assistant Commissioner of Labour dated 10.07.2015, the petitioner Management had deposited a sum of Rs.23,69,962/- on 13.10.2015 and had further deposited the interest to the tune of Rs.15,65,103/- on 29.03.2016. Thereafter, the petitioner Management also preferred an appeal within the time stipulated before the first respondent, whileso, it is contended, the second respondent has no locus-standi to pass any further proceedings with regard to further interest. Since the appeal has been filed, if any interest amount is due, then the first respondent alone has to take a final call, therefore, it is pleaded, the impugned orders passed by the respondents 2 and 3 demanding to pay the additional interest is liable to be quashed.

3. Mr.V.Jayaprakashnarayanan, learned Special Government Pleader, accepts notice for the respondents 1 to 4.

4. Prima-facie, this Court is able to see that as against the order passed by the second respondent demanding to pay the additional interest, the petitioner Management has preferred an appeal within the time stipulated and therefore, the said issue is now seized by the first respondent. It is also stated by the learned counsel for the parties that the respective parties have completed their arguments in the appeal preferred by the petitioner management before the first respondent and only the order alone has to be passed.

5. In such view of the matter, since the said issue has already been seized by the first respondent, the respondents 2 and 3 ought not to have passed the impugned orders demanding to pay the additional interest by the petitioner management. Accordingly, the same are quashed, however, this Court, without

going into the merits of the matter, directs the first respondent to dispose of the appeal preferred by the petitioner management on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Under the Payment of Gratuity Act, 1972,
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- 4.The Tahsildar,
Maduranthagam Taluk, Kancheepuram Dt.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.23090

+1cc to the Government Pleader, S.R.No.23944

(CO)
GSP (09/04/2018)

W.P.No.6979 of 2018