

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25017 of 2014

And

M.P.No.1 of 2014

M/s.Rugmini Ram Ragav Spinners Pvt Ltd.,
Chandralok,
33-40, Ponniahrajaapuram,
Coimbatore-641 001
Represented by its Managing Director
A.Gokul Krishnan Petitioner

Vs.

1.Joint Commissioner of Labour,
Appellate Authority under the Payment of
Gratuity Act,Coimbatore-18.

2.Assistant Commissioner of Labour,
Controlling Authority under the Payment of
Gratuity Act,
Coimbatore-18.

3.U.Muthukumaravel Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, calling for the records of the first respondent in AGA No.17 of 2014, quash its order dated 10.6.2014 confirming the order of the second respondent dated 15.10.2012 in GA No.174 of 2000.

For Petitioner : Mr.S.Bazeer Ahamed

For Respondents-1 & 2 : Mrs.Sri Jayanthi,
Special Government Pleader.

For Respondent-3 : Mr.P.Saravana Sowmiyan

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O R D E R

The order of the Joint Commissioner of Labour/Appellate

Authority under the Payment of Gratuity Act, passed in AGA No.17 of 2014 dated 10.6.2014, confirming the order of the second respondent dated 15.10.2012 in G.A.No.174 of 2000, are under challenge in this writ petition.

2. The writ petitioner-management is a Spinning Mill and an organisation dedicated to the rehabilitation of the differently abled persons. As on the date of filing of the writ petition, nearly about 30 differently abled persons were in employment of the petitioner-Mill.

3. The third respondent-workman joined in the services of the writ petition-Mill on 22.1.1996 and he was lastly served as a Manager-Coordination and Development. On account of certain allegations of unauthorised disposal of scrap materials and thereby causing loss to the petitioner-management. The third respondent-workman resigned from the post. The resignation of the third respondent-workman was accepted by the management. However, the gratuity amount due to the third respondent-workman was not disbursed. Thus, the third respondent-workman approached the controlling authority/Assistant Commissioner of Labour under the provisions of the Gratuity Act. The said application was allowed by the second respondent on 15.10.2012. The length of service rendered by the third respondent-workman was not disputed by the management.

4. Therefore, the evidences and the documents produced before the Controlling Authority were admitted and an order was passed by the second respondent on 15.10.2012. By depositing the entire award amount, the writ petitioner-management preferred an appeal under Section 7(7) of the Act before the first respondent. The first respondent also considered the grounds raised therein and confirmed the order passed by the second respondent/Controlling Authority. Thus, both the original as well as the appellate authorities confirmed the award granted under the provisions of the Gratuity Act.

5. In respect of the present writ petition, this Court is of the opinion that the judicial review in respect of the factual aspects of the matter is limited. This Court, under Article 226 of the Constitution, cannot re-appreciate the evidences and the findings made by the controlling authority which was confirmed by the appellate authority. The judicial review in a writ petition is limited to the extent of considering whether the authorities competent had followed the due procedures and applied their mind in a just and reasonable manner. Certain facts recorded based on the documents and the evidences, cannot be interfered with in a writ jurisdiction.

6. This Court do not find any irregularity or illegality with regard to the manner in which the decision arrived both by

the controlling authority as well as by the appellate authority. An opportunity was provided to the writ petitioner at the time of adjudication and the writ petitioner also defended the case before the competent authorities. There is no entertainable legal ground raised for the purpose of setting aside the orders passed by the respondents 1 and 2. Certain merits raised in the present writ petition deserves no consideration at all.

7. In this view of the matter, the order passed by the first respondent in AGA No.17 of 2014 dated 10.6.2014, confirming the order of the second respondent dated 15.10.2012 in G.A.No.174 of 2000, is confirmed and the writ petition stands dismissed. The third respondent workman is permitted to withdraw the deposited amount by filing necessary application before the competent authorities. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Svn

To

1.Joint Commissioner of Labour,
Appellate Authority under the Payment of
Gratuity Act,Coimbatore-18.

2.Assistant Commissioner of Labour,
Controlling Authority under the Payment of
Gratuity Act,Coimbatore-18.

+1 C.C. to The Government Advocate SR.NO. 25931/18

+1 C.C. to Mr.P.Saravana Sowmiyan Advocate SR.NO. 25484/18

+1 C.C. to Mr.S.Bazer Ahamed Advocate SR.NO. 25301/18

W.P.No.25017 of 2014

VBA (CO)

VS 16.04.2018