

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.30958 of 2018
WMP.No.36094 of 2018

The General Manager
The Cannanore Spinning and Weaving Mills
A Unit of NTC (APKK & M) Limited
Palloor, Mahe

Petitioner

Vs

- 1.The Labour Officer, Controlling authority under the
Payment of Gratuity Act, 1972, Karaikal & Mahe
Perunthalaivar Kamarajar Administrative Complex
Karaikal 609 602
- 2.The Commissioner of Labour,
o/o, the Commisioner of Complex,
2nd floor Labour Complex,Gandhi Nagar,
Pudhucherry 605009

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 1st Respondent to recall the orders, dated 29.03.2018 in PGA.Nos.2 to 11, 34, 132, 136, 139, 143, 172, 174, 207, 213 to 216, 219 and 220 of 2012, pursuant to the representation of the Petitioner, dated 27.06.2018.

For Petitioner : Mr.Haroon AL Rasheed
for M/S.T.S.Gopalan & co

For Respondents : Mrs.N.Mala, AGP (Pondy)

ORDER

The prayer in this Writ Petition is to direct the 1st Respondent to recall the orders, dated 29.03.2018 in PGA.Nos.2 to 11, 34, 132, 136, 139, 143, 172, 174, 207, 213 to 216, 219 and 220 of 2012, pursuant to the representation of the Petitioner, dated 27.06.2018.

2. By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mrs.N.Mala, the learned Additional Government Pleader takes notice for the Respondents.

3. This court heard the learned counsel on either side and also perused the materials placed on record.

4. According to the learned counsel for the Petitioner, the impugned order is illegal and not valid since the 1st Respondent, who had passed the impugned order, is not the Competent Authority to pass such an order, directing the Petitioner to pay the gratuity amount.

5. As per the directions of this Court, Ms.Mala, the learned Additional Government Pleader for the Respondents had entered appearance, who, on instructions, has submitted that the Respondents will abide by the order of the Division Bench of this Court, dated 04.08.2016 made in WA.Nos.178 to 180 of 2012, wherein it was held that the Central Government Authority is the Competent Authority to pass orders in so far as the relief sought for in this case is concerned.

6. The Petitioner had already filed a representation on 27.06.2018 to recall the order dated, 29.03.2018, which is impugned in this Writ Petition and the said representation is still pending, without consideration by the 1st Respondent. It is suffice to direct the 1st Respondent to dispose of the said representation. Accordingly, the 1st Respondent is directed to consider the representation of the Petitioner, dated 27.06.2018 and pass orders, after providing opportunity to the parties concerned, in the light of the order of the Division Bench of this Court, dated 04.08.2016 made in WA.Nos.178 to 180 of 2012 and on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Srcm

Sd/-

Assistant Registrar(CS)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The Labour Officer, Controlling authority under the Payment of Gratuity Act, 1972, Karaikal & Mahe Perunthalaivar Kamarajar Administrative Complex Karaikal 609 602

2.The Commissioner of Labour,
2nd floor Labour Complex,Gandhi Nagar,
Pudhucherry 605009

+1cc to M/S.T.S.Gopalan & co, Advocate SR.No. 87382

+1 CC TO GOVERNMENT PLEADER SR.NO. 87685

WP.No.30958 of 2018

A.SK(21/01/2019)