



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18669 of 2018

and

W.M.P. (MD) No.16515 of 2018

Arulmighu Mariamman Thiru Kovil,

Samayapuram,

Trichy,

Rep.by its Executive Officer / Joint Commissioner

... Petitioner

Vs.

1.The Controlling Authority,
Under payment of Gratuity Act,
Assistant Commissioner of Labour,
No.8, Nehruji Nagar, Dindigul.

2.The Appellate Authority,
Under Payment of Gratuity Act,
Joint Commissioner of Labour, Trichy.

3.V.Ramadass

4.T.S.Mallan

5.R.Venkadesan

6.P.Balasubramanian

7.P.Kandasamy

8.A.V.Lakshmi Narayanan

9.V.Ramanan

10.P.Venkatesan

11.K.Gopalakrishnan

12.S.C.Sivanantham

13.P.Ramarajan

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the 1st respondent made in P.G.Appeal Nos.48 to 51 of 2017 and P.G.Appeal Nos.69 to 75 of 2017 dated 02.11.2017 and quash the same.

For Petitioner : Mr.K.Govindarajan

For Respondents : Mr.R.Murali

O R D E R

The petitioner has come forward with the present Writ petition to issue a Writ of Certiorari, calling for the records relating to the proceedings of the first respondent in P.G.Appeal Nos.48 to 51 of 2017 and P.G.Appeal Nos.69 to 75 of 2017 dated 02.11.2017 and to quash the same.

2.The Controlling Authority as well as the Appellate Authority have held that the employees are entitled to receive gratuity. Even though the Management has vehemently contended that the gratuity need not be paid to the employees, in view of the provisions of the Payment of Gratuity Act, 1972 and also in view of the judgment of this Court reported in **2013(3) CTC 689 (State of Tamil Nadu, Rep.by its Secretary to Government and another Vs. Tamil Nadu Temple's Retired Employees Welfare Association)**, the employees are entitled to receive gratuity as the petitioner will fall within the provisions of the Payment of Gratuity Act.

3.Accordingly, the Writ petition is dismissed and the employees can approach the Controlling Authority for withdrawing the amount lying in the deposit. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Controlling Authority,
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Assistant Commissioner of Labour,
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2.The Appellate Authority,
Under Payment of Gratuity Act,
Joint Commissioner of Labour, Trichy.

+1cc to Mr.K.Govindarajan, Advocate in SR. No.84254

nbj

MK/BU/PM/SAR 2/03.10.2018/2P/4C

W.P. (MD)No.18669 of 2018
11.09.2018