

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5165 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records related to and connected with the order passed by the 2nd respondent in Case No.PG.3/2002 dated 30.06.2003 and sought for a consequential direction to set aside the same, by declaring it as illegal and arbitrary.

Heard Sri V.Ajay Kumar, learned counsel for the petitioner and learned Government Pleader for labour.

It has been contended by the petitioner that it is a Primary Agricultural Cooperative Credit Society and the 5th respondent was appointed as an employee in the said society on 01.08.1958. While he was discharging his duties during the year 1998, he was indulged in certain financial irregularities. Thereafter, after initiating civil and criminal proceedings, 5th respondent initially was placed under suspension and subsequently he was terminated from service on 10.04.1998. Though the petitioner have paid all the service benefits to the 5th respondent at the time of his termination, the 5th respondent preferred an appeal before the Assistant Commissioner of Labour/3rd respondent vide Case No.P.G.1/2000, contending that he is entitled for payment of gratuity for the services rendered to the petitioner. The 3rd respondent considered the case of the petitioner and dismissed vide order dated 20.10.2001. Challenging the said order, the 5th respondent preferred an appeal before the 2nd respondent vide Case No.P.G.No.3/2002 under Payment of Gratuity Act & Deputy Commissioner of Labour and the Deputy Commissioner of Labour allowed the appeal declaring that the 5th respondent is entitled for gratuity. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that after termination of 5th respondent, he was paid entire service benefits and no further amounts are due to the 5th respondent. But the authority under the Payment and Gratuity Act erroneously held that the 5th respondent is entitled for payment of gratuity.

Learned Government Pleader appearing for respondents had contended that the appellate authority under the Payment and Gratuity Act had rightly passed order in favour of the 5th respondent and the petitioner could not point out any grave illegality or irregularity in the order passed by the appellate authority and in the absence of the same, this Court would not normally interfere with the orders passed by the statutory authority.

This Court, having considered the rival submissions of both the parties, is of the considered view that the appellate authority had rightly passed orders in favour of the 5th respondent and petitioner could not point out any grave irregularity or illegality and in the absence of the same, this Court is not inclined to interfere with the orders passed by the statutory authorities.

Therefore, there are no merits in the writ petition and accordingly dismissed.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

29th November, 2018
dv

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.12475 of 2002
(dismissed)

11th September, 2018

cbs

