

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16177 of 2005

ORDER:

This Writ Petition is filed challenging the order passed by the Authorities under Payment of Gratuity Act. The counsel for the petitioner submits that the Respondent-Workman is not entitled for gratuity. The Respondent-workmen was never appointed by the Petitioner Hospital and the authorities under payment of Gratuity Act had not examined any of the witnesses and mechanically passed orders in favour of the Respondent-Workman.

The counsel for the petitioner submits that there is no master servant relationship between the petitioner and the Respondent-Workman. In spite of the same, the authorities under Payment of Wages Act has passed orders in favour of the Respondent-Workman.

The counsel appearing for the Respondent-Workman had contended that the authorities under Payment of Gratuity Act has rightly passed orders in favour of the Respondent-Workman and sum of Rs.20,827/- was directed to be paid to the Respondent-Workman and in pursuance of the interlocutory orders passed by this Hon'ble Court, initially stay was granted and when vacate stay application was moved by the Respondent-Workman, this Hon'ble Court was pleased to modify the said interlocutory orders vide orders dated 23.02.2007 and directed the Respondent-Workman to withdraw half of the amount which was already deposited by the petitioners.

The issue is about only remaining balance amount of Rs.10,413/- amount lying with the authorities and appropriate orders will be passed directing the respondent to withdraw the balance amount which was already deposited by the petitioner .

This court having considered the rival submissions made by the parties, is of the considered view that the Authorities under Payment of Gratuity Act, has rightly passed orders in favour of the Respondent-Workman and petitioner should not point out any irregularity or illegality of the authorities under the Payment of Gratuity Act. The issue is only about allowing the Respondent-Workman to withdraw Rs.10,413/- the balance amount which was already deposited.

In view of the same, this court is not inclined to interfere with the orders passed by the Authorities under Payment of Gratuity Act.

There are no merits in the Writ Petition. The Writ Petition is accordingly dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

28th December, 2018

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