

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 10014 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the order dated 08.08.2000 in Appeal No.2 of 1999 passed by the 1st respondent and quash the same by holding it as arbitrary and illegal.

Heard Sri J.Sreenivasa Rao, learned Standing Counsel for Singareni Collieries Company Limited appearing on behalf of the petitioner and Sri M.Papa Reddy, learned counsel for the 2nd respondent – workman and perused the material placed on record.

The brief facts of the case are that while the 2nd respondent was working for the petitioner – company, he had to pay an amount of Rs.71,000/- which was due to the management, and in view of the same, his gratuity was withheld. Challenging the same, the 2nd respondent approached the Assistant Labour Commissioner (Central), Vijayawada under Payment of Gratuity Act, 1972 who had allowed the petition. Challenging the same, the petitioner preferred an appeal to the 1st respondent under the Payment of Gratuity Act and the appellate authority dismissed the

appeal confirming the order of the Assistant Labour Commissioner (Central), Vijayawada.

The learned Standing Counsel contends that gratuity was already paid to the 2nd respondent, and this Court, by order dated 10.06.2002, while admitting the writ petition, granted stay only in respect of payment of interest.

The learned counsel for the 2nd respondent contends that as the Payment of Gratuity Act itself provides interest for the delayed payment, no illegality has been committed by both the authorities under Payment of Gratuity Act in passing the orders in favour of the 2nd respondent.

This Court, having considered the rival submissions of both the parties, is of the opinion that both the appellate authorities under the Payment of Gratuity Act have rightly passed the orders in favour of the 2nd respondent and the amount of gratuity is liable to be paid with interest as contemplated under Section 4 of the Payment of Gratuity Act, 1972. When the Act itself provides for payment of interest, this Court cannot waive the same.

Hence, the writ petition is devoid of merit and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

31.08.2018
bcj