

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16084 to 16088 of 2015

Tamil Nadu College of Engineering,
rep.by its Chairman,
Palanisame Ravi Nagar,
Karumathampatti,
Coimbatore-641 659.

...Petitioner in all W.Ps

vs.

1. The Assistant Commissioner of Labour,
(Payment of Gratuity Act),
Office of the Labour Commissioner,
Coimbatore-18.

....R1 in all W.Ps

2. G.Radhakrishnan

... R2 in W.P.No.16084 of 2015

3. A.Ranganathan

...R2 in W.P.No.16085 of 2015

4.V.Jayachandran

...R2 in W.P.No.16086 of 2015

5.P.Sundaresan

...R2 in W.P.No.16087 of 2015

6.R.Sathyanarayanan

...R2 in W.P.No.16088 of 2015

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records from the 1st respondent and quash the order passed in G.A.Nos.148 to 150, 36, 208/2014 dated 25.03.2015 on the file of the Assistant Commissioner of Labour, Coimbatore, the first respondent as null and void.

For Petitioner : Mr.P.R.Balasubramanian
in all W.Ps

For Respondents : Mr.J.Ramesh
in all W.Ps Additional Government Pleader

for R1.

Mr.D.Bharathy for R2.

C O M M O N O R D E R

The learned counsel appearing for the writ petitioner made a submission that in the event of granting liberty to the writ petitioner to prefer an appeal under Rule 18 of the Gratuity Rules, the writ petitioner is ready and willing to file such an appeal for redressing their grievances.

2. The learned counsel for the second respondent/employee has also no serious objection in the writ petitioner filing such an appeal under the Rules.

3. In view of the fact that against the common order dated 25.03.2015 passed in G.A.Nos.148 to 150, 36, 208/2014 , an appeal is contemplated under Rule 18 of the Gratuity Rules, the writ petitioner has to exhaust the appeal remedy before filing a writ petition under Article 226 of the Constitution of India. In normal circumstances, the parties are bound to exhaust the statutory appeal remedy and waiver of the appeal remedy is only an exception.

4. This being the principles to be followed, the writ petitioner is at liberty to file an appeal against the common order dated 25.03.2015 passed in G.A.Nos.148 to 150, 36, 208/2014. If any such appeal is filed by the writ petitioner, the said appeal is directed to be entertained by the authority competent and adjudicate the issues on merits by affording opportunity to all the parties concerned and dispose of the same as expeditiously as possible. The writ petitioner is directed to prefer an appeal, if they have decided to do so, within a period of six weeks from the date of receipt of a copy of this Order.

5. With these directions, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

ssb

To

The Assistant Commissioner of Labour,
(Payment of Gratuity Act),
Office of the Labour Commissioner,
Coimbatore-18.

+5ccs to Mr.P.R.Balasubramanian , Advocate SR.No. 89121 TO 29125

+1 cc to Government Pleader Sr.No. 90377

+1cc to Mr.D.Bharathy , Advocate SR.No. 89022

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A.SK(29/11/2019)