

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25-10-2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.25854 of 2009

And

M.P.No.1 of 2009

ANGLO FRENCH TEXTILES

A Unit of Puducherry Textiles Corporation,
Government of Puducherry Undertaking,
Mudaliarpeta,
Puducherry-4 Represented by its
Managing Director.

... Petitioner

vs.

1.M.Pandurangan

2.The Controlling Authority,
(Under the Payment of Gratuity Act 1972) and
Labour Officer Enforcement,
Labour Department Complex, III Floor,
Vazhudavur Road,
Gandhi Nagar,
Puducherry-9.

3.The Appellate Authority,
(Under the Payment of Gratuity Act 1972),
O/o. Dy. Labour Commissioner,
Labour Department Complex, II Floor,
Vazhudavur Road,
Gandhi Nagar,
Puducherry-9.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in his order dated 27.08.2009 passed in P.G.No.204 of 2008 and to quash the same and forbearing the respondents from demanding the payment of Rs.23,410/- under the Payment of Gratuity Act, 1972.

For Petitioner : Ms.N.Mala

For Respondent-1 : No Appearance

For Respondents-2&3: Mr.A.V.Ramalingam,
Additional Government Pleader
(Puducherry).

O R D E R

The learned counsel appearing on behalf of the writ petitioner as well as the learned Additional Government Pleader appearing on behalf of the second and third respondents states that in respect of all other employees they have settled the gratuity amount and the said gratuity amount had already been received by the said employees. However, the employee in the present writ petition died and they are unable to identify the legal heirs of the deceased workman.

2. Under these circumstances, the legal heirs of the deceased employee is entitled to receive the said gratuity amount. Thus, the legal heirs of the deceased employee are at liberty to approach the writ petitioner/competent authority and the competent authority is directed to pay the gratuity amount, as applicable, after identifying the legal heirs of the deceased employee and by verifying the documents in this regard.

3. Accordingly, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

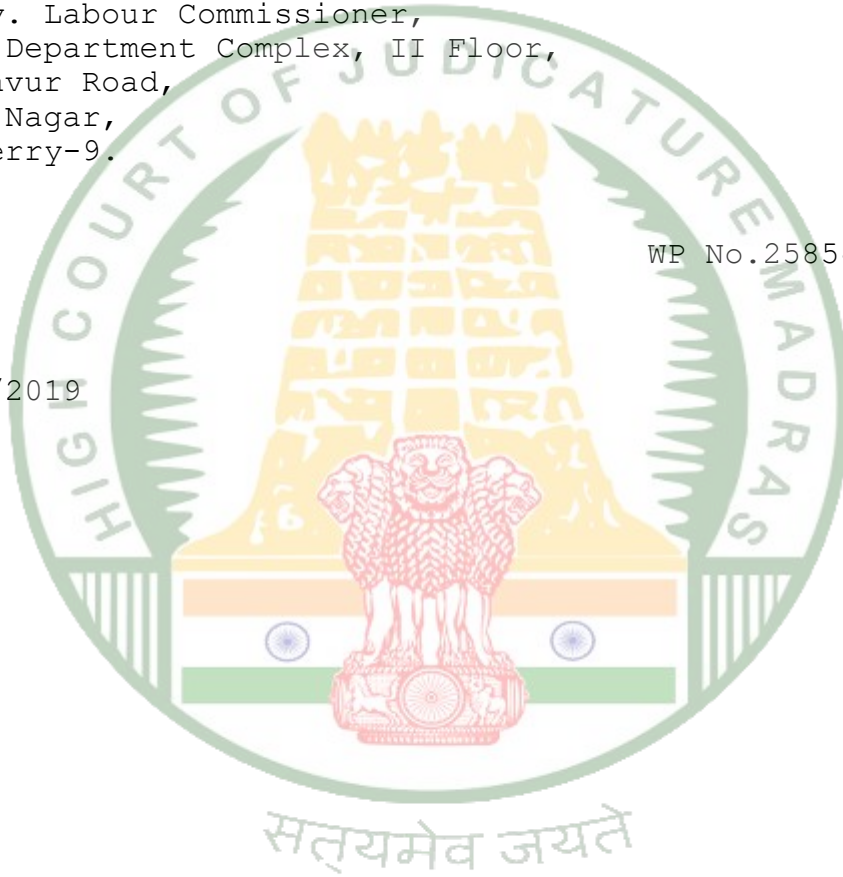
- 1.The Managing Director,
ANGLO FRENCH TEXTILES
A Unit of Puducherry Textiles Corporation,
Government of Puducherry Undertaking,
Mudaliarpur,
Puducherry-4.

2.The Controlling Authority,
(Under the Payment of Gratuity Act 1972) and
Labour Officer Enforcement,
Labour Department Complex, III Floor,
Vazhudavur Road,
Gandhi Nagar,
Puducherry-9
Labour Office (Enforcement).

3.The Appellate Authority,
(Under the Payment of Gratuity Act 1972),
O/o. Dy. Labour Commissioner,
Labour Department Complex, II Floor,
Vazhudavur Road,
Gandhi Nagar,
Puducherry-9.

WP No.25854 of 2009

pvs[col]
srg 28/11/2019



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