

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2019

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.26913 of 2005

The Deputy General Manager,
Hindustan Photo Films,
Manufacturing Company Limited,
Indu Nagar,
Ootacamund-643 005.

.... Petitioner

Vs

1.The Regional Labour Commissioner
(Central),
The Appellate Authority under
the payment of Gratuity Act, 1972.
4, Haddows road, Shastri Bhavan,
Chennai-600 006.

2. The Assistant Labour Commissioner,
(Central),
Controlling Authority under the
Payment of Gratuity Act, 1972
New No.5, Old No.1-A (II Floor),
Lady Doak College Road,
China Chokkikulam,
Madurai-625 002.

3.M.Rathinavelu.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order made in G.A.No.286 of 2003 dated 30.06.2004 on the file of the 2nd respondent and that of the order made in Gratuity Appeal No.330 of 2004 daed 29.04.2005 on the file of the 1st respondent received by the petitioner on 04.05.2005 and quash the same and consequently, direct the 2nd respondent to refund the sum of Rs.11,149.23 deposited by the petitioner.

For Petitioner : M/s.Rita chandrasekaran
for M/s.Aiyar & Dolia

For Respondents: Non-appearance

O R D E R

The learned counsel for the writ petitioner made a submission that the writ petitioner/Company had already wound up long back and further, the gratuity amount ordered by the respondents 1 and 2 had already been deposited before the second respondent.

2. In view of the fact that the gratuity amount had already been deposited with the competent authority and the company also wound up long back, this Court is of the considered opinion that the third respondent/workman is to be permitted to withdraw the said amount, without any further adjudication.

3. Under these circumstances, the third respondent is at liberty to file an appropriate application for withdrawal of the entire gratuity amount deposited by the writ petitioner with the respondents 1 and 2 and in the event of filing any such application, the respondents 1 and 2 are directed to identify the workman and disburse the deposited amount as expeditiously as possible.

4. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

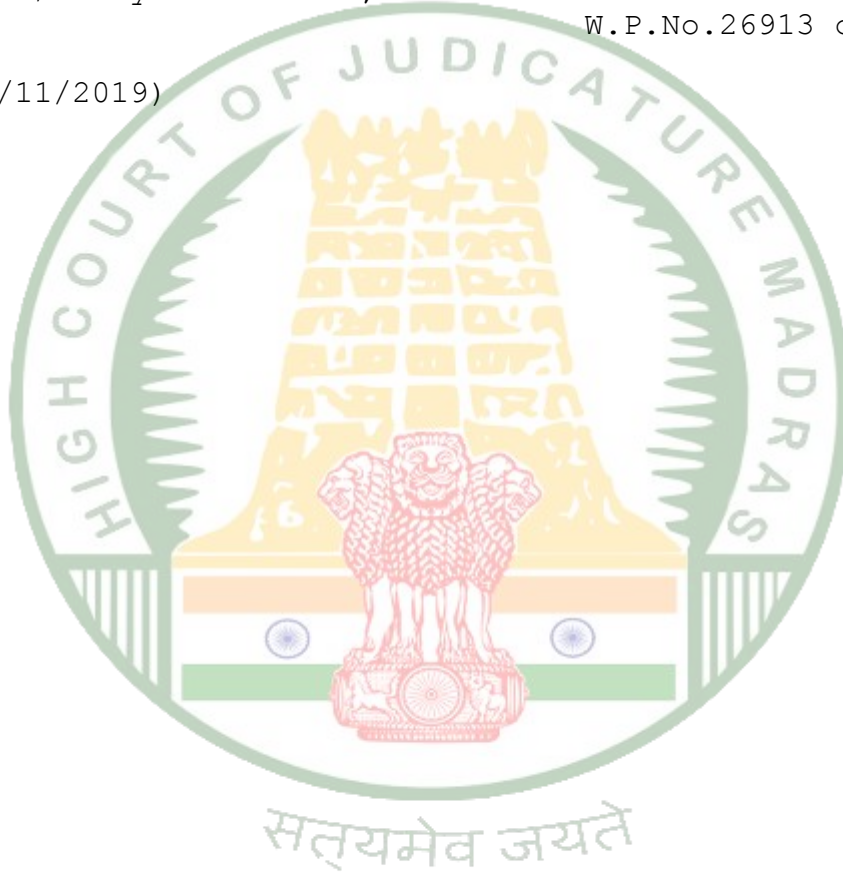
ssb
To

1.The Regional Labour Commissioner
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+lcc to M/s.Aiyar & Dolia , Advocate SR.No. 83067
W.P.No.26913 of 2005

sj
A.SK(05/11/2019)



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