

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.6.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.1742 of 2019

M.Gurunathan

Appellant

Versus

1. Vellore District Central Co-operative Bank, rep. by its Managing Director, No.3, Officer Line, Anna Salai, Vellore 632 001.
2. Additional Commissioner of Labour, The Appellate Authority under the Payment of Gratuity Act, 6th Floor, DMS Compound, Teynampet, Chennai 600 006.
3. The Assistant Commissioner of Labour, The Controlling Authority under the Payment of Gratuity Act, Office of the Deputy Commissioner of Labour, Vellore-1.

Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 31.1.2019 in W.M.P.No.40291 of 2018 in W.P.No.18230 of 2018.

Prayer in W.M.P.No.40291 of 2018: Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the 3rd respondent in the above WMP to pay the amount of Rs.7,14,583.00 with accrued interest deposited to the credit of PG No.234 of 2013 to the petitioner in the above WMP.40291/2018

Prayer in W.P.No.18230 of 2018: Petition filed under article 226 constitution of India praying this Court to issue a Writ of Certiorarified Mandamus Calling for the records of the first respondent dated 25.05.2018 made in P.G.A.No.123/2016 and quash the same and consequently direct the disbursement of gratuity as

per the order of the second respondent dated 31.10.2016 subject to the finality of the surcharge proceedings pending before this Honourable Court in WP.Nos.7326/2003 and WMP.No.1/11 in WP.No.6648/2011 as per the order dated 14/06/2018 made in W.A.No.49/2015.

For appellant : Mr.R.Arumugam

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

The employee Mr.M.Gurunathan has assailed the interim order passed by the learned Single Judge in the Writ Petition No.18230 of 2018 while disposing of the stay petition in W.M.P.No.40291 of 2018 directing the Respondent-Assistant Commissioner of Labour to release the principal amount of Gratuity amount of Rs.3,50,000/- in favour of the present petitioner while the entire amount of Gratuity in question including the interest of Rs.3,64,583/- had been deposited by the employer with the Authority concerned.

2. Having heard the learned counsel for the appellant, we do not find any justification to interfere with the interim order passed by the learned Single Judge. The Appellant/Petitioner can approach the learned Single Judge for early disposal of the writ petition. With this observation, the writ appeal is dismissed. Copy of this judgment may be sent to the Respondents. No costs.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

ssk.
To:

1. Vellore District Central Co-operative
Bank, rep. by its Managing Director,
No.3, Officer Line, Anna Salai,
Vellore 632 001.

2. Additional Commissioner of Labour,
The Appellate Authority under the
Payment of Gratuity Act,
6th Floor, DMS Compound,
Teynampet, Chennai 600 006.

3. The Assistant Commissioner of
Labour,
The Controlling Authority under the
Payment of Gratuity Act,
Office of the Deputy Commissioner of
Labour, Vellore-1.

+1 cc to Mr.R.Arumugam, Advocate, S.R.No.44881

W.A.No.1742 of 2019

JP (CO)
SSM(15/07/2019)



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