



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.18995 of 2019
and WMP.No.18338 of 2019

Tamil Nadu Co-operative Marketing
Federation Limited
Rep. by its Secretary
No.91, St.Mary's Road
Chennai-600 018

... Petitioner

-vs-

1.R.Balasubramanian

2.The Assistant Commissioner of Labour
(Authority under Payment of Gratuity)
DMS Campus, Anna Salai
Chennai-600 006

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of certiorari calling for the records relating to order passed by the 2nd respondent in PG.No.51 of 2017 dated 11/12/2017 and to quash the same.

For Petitioner : Mr.G.Prakash Kumar
For Respondents: Mr.I.Sathish,
Addl Government Pleader for R2.

O R D E R

The Writ Petition has been filed against the order filed by the Original Authority viz., the 2nd respondent herein in P.G.No.51/2017 dated 11.12.2017. In terms of the Provisions of the Gratuity Act, an appeal will lie to the Appellate Authority and without exhausting the same, the petitioner has approached this court, challenging the order passed by the Original Authority.

2. The learned counsel for the Petitioner would submit that in view of the condition precedent that pre deposit has to be made before the appeal is entertained, the Writ Petitioner has chosen to file the present writ petition.



3. This court is unable to countenance the strange argument advanced by the learned counsel for the Petitioner. When an alternative remedy of filing an appeal before the statutory appellate authority is available, without availing such remedy, the Petitioner cannot be allowed to approach this court only for the reason that required amount of pre deposit cannot be complied with, to file an appeal before the appellate authority. This cannot be the reason to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India.

4. For the above said reason, the Writ Petition is liable to be dismissed and the same is dismissed on the ground of maintainability. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

nvsri
To

The Assistant Commissioner of Labour
(Authority under Payment of Gratuity)
DMS Campus, Anna Salai
Chennai-600 006

W.P.No.18995 of 2019

RSI (CO)
SP(26/08/2019)