

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 25.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.21922 of 2019

&

WMP.No.21143 of 2019

Mandakolahur Primary Agricultural
Co-operative Credit Society,
rep.by its Administrator namely Mrs.S.Chitra
Having Office at H.H.NO.580, Mandakolathur,
Mandakolathur Post, Polur Taluk,
Thiruvannamalai District
...Petitioner

Vs.

1.The Deputy Commissioner of Labour
(Payment of Gratuity Authority),
Office of the Joint Commissioner of Labour,
Vellore District.
2.S.Kanni
...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of certiorari calling for the records and quash the impugned order dated 31.05.2019 of the first respondent authority in P.G.No.8 of 2019.

For Petitioner : Ms.Ezhilarasi M.

For Respondents: Mr.J.Pothiraj, Spl.G.P.for R1

ORDER

The second respondent was employed in the petitioner Society and retired from service on 28.02.2018. It is stated that surcharge proceedings were initiated as against the 2nd respondent for misappropriation and the same is pending. It is the case of the petitioner Society that pending finalization of

the surcharge and disciplinary proceedings, the second respondent filed Gratuity application before the Deputy Commissioner of Labour, Vellore District, vide P.G.No.8 of 2019, seeking direction to pay gratuity amounts due and payable to him.

2.On hearing the Society and also on behalf of the second respondent herein, the Authority passed the impugned order on 31.05.2019 directing the petitioner Society to pay a sum of Rs.7,68,696/- to the second respondent. Challenging the said order, the petitioner Society is before this Court seeking to quash the same.

3.When the matter is taken up for hearing, this Court expressed its view that there is an appeal remedy available against the order passed by the first respondent under the relevant statute and without exhausting the same, the present writ petition has been filed. Therefore, this Court is of the considered view that the writ petition is not maintainable and hence, the same is dismissed. However, liberty is given to the petitioner to approach the appellate authority, under the relevant provisions, if so advised. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk
To

The Deputy Commissioner of Labour
(Payment of Gratuity Authority),
Office of the Joint Commissioner of Labour,
Vellore District.

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