

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Fourth day of October Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE S.M. SUBRAMANIAM

WMP.NOs.21267, 21276, 21283 & 21285 OF 2019
IN W.P.NOs.14775 TO 14778 OF 2018

THIRU D.SIVAJI, [PETITIONER in WMP.NO.21267 of 2019
I IN W.P.NOs.14775 of 2018]

THIRU T.CHANDRAN, [PETITIONER in WMP.NO.21276 of 2019
IN W.P.NOs.14776 of 2018]

THIRU M.J.RAVINDRAN, [PETITIONER in WMP.NO.21283 of 2019
IN W.P.NOs.14777 of 2018]

THIRU K.SAKKARAVARTHI, [PETITIONER in WMP.NO.21285 of 2019
IN W.P.NOs.14778 of 2018]

Vs

1 THE MANAGING DIRECTOR [RESPONDENTS IN ALL THE PETITIONS]
TN TEA PLANTATION CORPON. LTD (TANTEA)
REGISTERED OFF. (A GOVT OF TN UNDERTAKING)
TANTEA COMPLEX, ORANGE GROVE ROAD,
COONOR - 643101, THE NILGIRIS

2 THE CONTROLLING AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT, VIZ.,
THE ASSISTANT COMMISSIONER OF LABOUR OFFICE OF
THE DEPUTY COMMISSIONER OF LABOUR COIMBATORE - 18

3 THE APPELLATE AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT
JOINT COMMISSIONER OF LABOUR, COIMBATORE - 18

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to Direct the Respondents to pay the same to Petitioner withdrawing
the amount deposited IN WMP.NO.21267 OF 2019.

(II) To Direct the Respondents to pay the same to Petitioner
withdrawing the amount deposited IN WMP.NO.21276 OF 2019.

(III) Direct the Respondents to pay the same to Petitioner
withdrawing the amount deposited IN WMP.NO.21283 OF 2019 AND;

(IV) To Direct the Respondents to pay the same to Petitioner withdrawing the amount deposited IN WMP.NO.21285 OF 2019 Respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.C.SELVARAJ, Senior counsel FOR M/S.C.S.ASSOCIATES,, Advocate for the petitioner and of MR.ANAND GOPALAN FOR MR.T.S.GOPALA AND CO., FOR 1st Respondent and of MR. J.RAMESH, ADDITIONAL GOVERNMENT PLEADER on behalf of the 2 & 3 Respondents the court made the following order:-

The Orders passed by the second respondent in AGA Nos.16 to 19 of 2017, all dated 30.01.2018, confirming the order of the first respondent in Gratuity Case Nos.338, 336, 337 & 339 of 2015 all dated 31.03.2017 are sought to be quashed in the present writ petition.

2.The learned counsel appearing for the petitioner/management fairly made a submission that they are ready and willing to settle the gratuity amount immediately, as the said amount have already been deposited before the first respondent. In respect of the interest, the petitioner is of an opinion that they have to argue the matter as the writ petitioner/management is suffering serious financial crisis and they are not in a position to settle the interest immediately. This apart, the entitlement of interest is also to be adjudicated as per the learned counsel appearing on behalf of the petitioner.

3.The learned Senior counsel appearing on behalf of the respondent/workmen pleaded that the families of the workmen are suffering and on account of the long pendency litigations, they are unable to get their gratuity, for which they are legally entitled to and thus, an immediate assistance in this regard to the families of these workmen are highly essential.

4.Under these circumstances, this Court is of the considered opinion that gratuity amount already deposited before the first respondent shall be disbursed in favour of four workmen in four writ petitions and as far as the interest portion is concerned, the writ petitions may be heard elaborately at the time of final hearing.

5.Under these circumstances, the following orders are passed;

(i)Mr.D.Sivaji, third respondent in W.P.No.14775 of 2018 is entitled to receive gratuity amount of Rs.5,26,188/-.

(ii)Mr.T.Chandran, third respondent in W.P.No.14776 of 2018 is entitled to receive gratuity amount of Rs.5,70,730/-.

(iii)Mr.J.Ravindran, third respondent in W.P.No.14777 of 2018 is entitled to receive gratuity amount of Rs.5,06,475/-.

(iv)Mr. Sakkarvarthi, third respondent in W.P.No.14778 of 2018 is entitled to receive gratuity amount of Rs.6,20,118/-.

6.Both the learned counsel appearing on behalf of the petitioner and the learned Senior counsel appearing on behalf of the workmen agreed the above gratuity amount arrived at by the Management. The first respondent is directed to settle the above stated amounts in favour of the respondent/workmen, who are all respondents in these writ petitions within a period of four weeks from the date of receipt of copy of this Order. As far as the interest portion is concerned, the same shall be adjudicated at the time of final hearing of the writ petitions.

7.With the above directions, these writ miscellaneous petitions stand disposed of.

-sd/-

04/10/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE MANAGING DIRECTOR
TN TEA PLANTATION CORPON. LTD (TANTEA)
REGISTERED OFF. (A GOVT OF TN UNDERTAKING)
TANTEA COMPLEX, ORANGE GROVE ROAD, COONOR - 643101,
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JOINT COMMISSIONER OF LABOUR, COIMBATORE - 18

C.C. to M/S.C.S.ASSOCIATES, Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in

WMP.NOs.21267, 21276, 21283 & 21285 OF 2019
IN W.P.NOs.14775 TO 14778 OF 2018

Date :04/10/2019

From 26.2.2001 the Registry is issuing certified
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VC (23/10/2019)