

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE D. KRISHNAKUMAR

WMP No.40291 of 2018

IN WP.NO.18230/2018

M.GURUNATHAN,

[PETITIONER]

Vs

1 VELLORE DISTRICT CENTRAL [RESPONDENTS]
COOPERATIVE BANK, REP.BY ITS MANAGING
DIRECTOR, NO.3, OFFICERS LINE, ANNASALAI,
VELLORE-632 001

2 ADDITIONAL COMMISSIONER OF
LABOUR THE APPELLATE AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT, 6TH FLOOR, DMS
COMPOUND TEYNAMPET, CHENNAI-600 001

3 THE ASSISTANT COMMISSIONER
OF LABOUR, THE CONTROLLING AUTHORITY UNDER
THE PAYMENT OF GRATUITY ACT, OFFICE OF THE
DEPUTY COMMISSIONER OF LABOUR, VELLORE-01

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

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.ARUMUGAM, Advocate for the petitioner and of MRS.G.THILAGAVATHI, SC FOR MR.R.GOPINATH Advocate for the 1st Respondent and of MR.M.KARTHIKEYAN, Additional Government Pleader on behalf of the 2 & 3 Respondents the court made the following order:-

W.P.No.18230 of 2018 has been filed by the Vellore District Central Cooperative Bank challenging the order passed by the first respondent dated 25.05.2018 made in P.G.A.No.123/2016, wherein, the revised order made by the Assistant Commissioner of Labour, Vellore dated 31.0.2016 was set aside and confirmed the order dated 29.08.2016 passed by the Controlling Authority, Vellore, in

P.G.No.234 of 2013.

2. It is submitted by the learned Senior counsel appearing for the Writ Petitioner/Vellore District Central Cooperative Bank, that taking into account the date of retirement that is dated 31.05.2006, of the employee/3rd respondent in W.P.No.18230/2018, the Writ Petitioner Society deposited a sum of Rs.7,14,583/- to the credit of Assistant Commissioner of Labour, Vellore/2nd respondent.

3. According to the 3rd respondent employee-Gurunathan/the Petitioner in WMP.No.40291 of 2018, he is entitled for the ceiling limit of gratuity amount of Rs.3,50,000/- and filed W.M.P.No.40291 of 2018 to direct the 3rd respondent to pay the amount of Rs.7,14,583/- with accrued interest deposited to the credit of PG.No.234 of 2013 to him.

4. The learned Senior counsel for the Writ Petitioner-Bank submits that 3rd respondent/employee is entitled only for a sum of Rs.3,50,000/- viz., the ceiling amount of Gratuity. The learned senior counsel further submits that the 3rd respondent/employee is not entitled for the gratuity amount of Rs.6,44,780/- as per the order passed by the Original Authority 29.08.2016/2nd respondent, in P.G.A.No.234 of 2013. It is further stated that the Writ Petitioner/Vellore District Central Cooperative Bank has also attached the Petitioner's property in connection with surcharge proceedings pending against the 3rd respondent/employee.

5. The above submission of the learned Senior counsel for the Writ Petitioner/Vellore District Central Coop. Bank, is recorded.

6. In the light of the above said submission, this court is of the considered view that the right of the Writ petitioner Bank is safeguarded by attaching the 3rd respondent/employee's property.

7. Accordingly, WMP.No.40291 of 2018 is disposed of by Permitting the 3rd respondent-Gurunathan/Petitioner in WMP.No.40291/2018 to withdraw a sum of Rs.3,50,000/- viz., the ceiling amount of Gratuity, before the Assistant Commissioner of Labour, Controlling Authority under the Payment of Gratuity Act, Vellore/2nd respondent in W.P.No.18230 of 2018, by filing appropriate application before the 2nd respondent within a period of six weeks from the date of receipt of a copy of this order.

8. WMP.No.40291 of 2018 is disposed of with the above direction.

-sd/-
31/01/2019

/ TRUE COPY /

TO

1 VELLORE DISTRICT CENTRAL
COOPERATIVE BANK, REP.BY ITS MANAGING
DIRECTOR, NO.3, OFFICERS LINE, ANNASALAI,
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DEPUTY COMMISSIONER OF LABOUR, VELLORE-01

C.C. to M/S.R.ARUMUGAM Advocate on payment of necessary
charges

Order
in
WMP.40291/2018

in WP.18230/2018

Date :31/01/2019

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