



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.(MD) No.584 of 2019

and

C.M.P.(MD) Nos.4798 & 4799 of 2019

The Assistant Commissioner /
Executive Officer
Arulmigu Mariamman Temple
Irukkangudi, Virudhunagar District

... Appellant

-vs-

1. The Joint Commission of Labour /
Controlling Authority under Payment
of Gratuity Act, 1972
Madurai

2. The Assistant Commission of Labour /
Controlling Authority under Payment
of Gratuity Act, 1972
Tirunelveli

3. S.Kandasamy

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 05.04.2019, made in W.P.(MD) No.8236 of 2019, on the file of this Court.

Prayer in WP(MD) . 8236/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records in Na.Ka.A6/5339/2018 dated 08.03.2019 on the file of the 2nd respondent and quash the same as illegal

For Appellant : Mr.S.Manohar

For Respondents : Mr.V.R.Shanmuganathan

Special Government Pleader for R1 & R2

**J U D G M E N T**

[Judgment of the Court was made by G.R.SWAMINATHAN, J.]

The appellant is a Temple. The third respondent was employed in the appellant - Temple. After retiring from service, he applied for gratuity before the Controlling Authority. It was allowed. Questioning the same, an appeal was filed before the Appellate Authority by the appellant - Temple. The appeal was, however, not filed within the prescribed limitation period. Therefore, the Appellate Authority returned the appeal without even numbering it. The appellant - Temple filed W.P.(MD) No.20768 of 2018 before this Court for numbering the said appeal. The said writ petition is still pending as on date. In the meanwhile, the retired employee filed an application before the Controlling Authority for disbursement of the amount deposited by the appellant - Temple. The Controlling Authority issued the impugned notice dated 08.03.2019 calling upon the appellant - Temple to offer their objections. Questioning the same, the appellant - Temple filed W.P.(MD) No.8236 of 2019 before this Court. The said writ petition was dismissed by order dated 05.04.2019. Challenging the same, the appellant - Temple has filed the present writ appeal.

2. The learned counsel appearing for the appellant - Temple reiterated the contentions set out in the memo of grounds. We are, however, not persuaded by the same. We find no valid ground to interfere with the order passed by the learned Single Judge. This is for the more than one reason. First of all, the appellant - Temple is definitely liable to pay the gratuity amount. That apart, the appeal itself was not filed by the appellant - Temple within the prescribed limitation period. Therefore, no purpose will be served in entertaining this writ appeal and issuing notice to the third respondent. Hence, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
Deputy Registrar(accounts)

/True Copy/

Sub Assistant Registrar

To

1.The Joint Commission of Labour /
Controlling Authority under Payment
of Gratuity Act, 1972,
Madurai.

2.The Assistant Commission of Labour /
Controlling Authority under Payment
of Gratuity Act, 1972,
Tirunelveli.



+1 CC to Mr.S.MANOHAR, Advocate (SR-66411[F] dated 30/05/2019)

W.A. (MD) No.584 of 2019

and

C.M.P. (MD) Nos.4798 & 4799 of 2019

29.05.2019

WEB COPY

krk

_MK (07.06.2019) 3P 4C