



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.09.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Appeal (MD).No.944 of 2019

and

C.M.P (MD)No.8558 of 2019

in

WP (MD)No.17134 of 2015

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The Management
Sittarevu Primary Agricultural
Cooperative Credit Society
Sittarevu, Athur, Dindigul District. ... Appellant

Vs.

1.The Secretary to Government
(Labour and Employment Department)
Government of Tamil Nadu
Fort St.George, Chennai.

2.The Assistant Commissioner of Labour (In-charge)
Collectorate Building,
Velu Nachiyar Valagam,
Dindigul.

3.M.Manoharan ... Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letter Patent Act to set aside the order passed in W.P(MD).No.17134 of 2015 dated 30.11.2018 and allow the present writ appeal.

Prayer in WP (MD) . 17134/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent in G.O. Ms.No.50, Labour ad Employment (M1) Department dated 13.3.2015 and quash the same and in the mean while direct the second respondent stop all further proceedings in pursuant to the order in P.G. No.27/2014 dated 22.5.2015.



For Appellant

: Mr.V.O.S.Kalaiselvam

For Respondents

: Mr.A.Muthukaruppan (for R1 & R2)
Additional Government Pleader
Mr.T.Cibi Chakraborty (for R3)
for Mr.R.Thangapandian

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JUDGMENT

(Judgment of the Court was made by **T.S.SIVAGNANAM, J.**)

We have heard Mr.V.O.S.Kalaiselvam, learned Counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.T.Cibi Chakraborty, learned counsel appearing for the third respondent.

2.This appeal is directed against the order in W.P(MD).No.17134 of 2015, dated 30.11.2018. The writ petition was filed to quash G.O.Ms.No.50, Labour and Employment (M1) Department, dated 13.03.2015 and direct the second respondent to stop all the further proceedings pursuant to the order in P.G.No.27/2014, dated 22.05.2015.

3.We have perused the order passed by the second respondent and this Court finds that the reasons assigned by the Writ Court is valid and the appellant society did not prefer any appeal as against the order passed by the second respondent. Hence, we did not propose to interfere with the order passed in the writ petition. Accordingly, the appeal is liable to be rejected.

4.The learned counsel appearing for the appellant submits that the appellant society had become loss and suffered financial crisis and therefore, the respondents may be directed to accept the remaining gratuity amount without interest.

5.In terms of provisions of the 'Payment of Gratuity Act' (hereinafter referred to as 'said Act' for the sake of brevity), which is statutory Act and right, in the event of default in delaying the payment, the statutory provides for payment along with interest. This Court has no power to waive the statutory, even which is mandatory to be paid. Considering the submission of the learned counsel for the appellant only indulgence, we can permit the appellant society to pay the amount of remaining gratuity along with statutory interest in two instalments.

6.For the above reasons, the Writ Appeal is dismissed. The appellant society is directed to pay the remaining amount along with



interest at 9% per annum as per the said Act in two equal instalments. First of which shall be paid on or before 14.10.2019 and the second instalment shall be paid on or before 14.11.2019. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government
(Labour and Employment Department)
Government of Tamil Nadu
Fort St.George, Chennai.

2.The Assistant Commissioner of Labour (In-charge)
Collectorate Building,
Velu Nachiyar Valagam,
Dindigul.

+1 cc to Mr.R.Thangapandian,Advocate, SR.No.88489

+ 1 cc to Mr.R.Thangapandian,Advocate,SR.No.88660

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