

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 13515 of 2019
and
W.M.P. No. 13611 of 2019

VLB Janaki Ammal College of Arts & Science,
Kovaipudur,
Coimbatore - 641 042.
Rep. by its Principal, ... Petitioner

-vs-

1. The Assistant Commissioner of Labour,
Controlling Authority under the Payment of Gratuity Act,
Coimbatore.
2. The Joint Commissioner of Labour,
Appellate Authority under the Payment of Gratuity Act,
Coimbatore.
3. OM. Muruga Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the Second Respondent in A.G.A. No. 37 of 2018 and quash its order dated 09.01.2019, confirming the order of the First Respondent in G.A. No. 21 of 2016 dated 10.08.2017.

For Petitioner : Mr. S. Haroon AL Rasheed
for M/s. T.S. Gopalan & Co.

For Respondents: Mr. D. Sathyaraj,
Special Government Pleader (for R1 & R2)

Mr. C. Mohan for M/s. King and Patridge,
Standing Counsel (for R3)

O R D E R
(through video conference)

The Petitioner and the Third Respondent have filed a Joint Memo dated 18.09.2020 signed by their respective Counsel, which has been placed before this Court through e-mail, and reads as follows:-

- " The writ petition has been filed challenging the order of the 2nd Respondent -Joint Commissioner of Labour, Appellate Authority under the Payment of Gratuity Act in G.A. No. 37 of 2018 and quash its order dated 09.01.2019 confirming the order of the 1st Respondent -Assistant Commissioner of Labour, Controlling Authority under the Payment of Gratuity Act, Coimbatore in G.A. No. 21 of 2016 dated 10.08.2017.
2. The Writ Petitioner had deposited a sum of Rs. 1,72,872/- in G.A. No. 21 of 2016 before the 1st Respondent on 03.01.2018 as reflected in Page Nos. 50A and 50B of the typed set of papers filed by the Writ Petitioner. The deposit has been averred to in the writ affidavit.
 3. While the above writ petition was pending, on behalf of the Writ Petitioner and the 3rd Respondent, their respective Counsels held discussions and have arrived at an amicable settlement. Respondents 1 & 2 are official Respondents /Authorities.
 4. Accordingly, the Writ Petitioner and the 3rd Respondent hereby agree and confirm that out of sum of Rs.1,72,872/- deposited before the 1st Respondent on 03.01.2018 along with further interest accruing on the said sum, the Writ Petitioner shall receive Rs.30,000/- and remaining sum will be paid to the 3rd Respondent. The 1st Respondent before whom the deposit will be made shall assist in this distribution within a time frame to be fixed by this Hon'ble Court.
 5. The Writ Petitioner shall be entitled to identify/recover the gratuity from such or other person whom the Writ Petitioner claim was the actual employer of the 3rd Respondent without reference in any form to the 3rd Respondent. Accordingly, the said subjective leave and liberty shall be provided to the Writ Petitioner.
 6. This memo has been shared and confirmed by the Writ Petitioner and the 3rd Respondent through their

respective Counsels.

7. In such view of the matter, this Hon'ble Court may be pleased to record this joint memo and direct the 1st Respondent before whom the deposit has been made to issue payment of Rs.30,000/- to the Writ Petitioner and the remaining amount of Rs.1,72,872/- along with further interest to the Third Respondent within a time frame fixed by this Hon'ble Court and thus render justice."

In view of the aforesaid settlement entered between the contesting parties, the First Respondent shall pay the sum of Rs. 30,000/- to the Petitioner and the entire remaining amount with accrued interest to the Third Respondent along with a working-sheet showing calculation of interest for the amount deposited to those parties under written acknowledgment and proof of such compliance shall be filed before the Registrar (Judicial) of this Court by 31.10.2020.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Maya/vjt

To

1. The Assistant Commissioner of Labour,
Controlling Authority under the Payment of Gratuity Act,
Coimbatore.

2. The Joint Commissioner of Labour,
Appellate Authority under the Payment of Gratuity Act,
Coimbatore.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to M/s. T.S. Gopalan & Co., Advocate SR.No.30703

+1cc to Mr.P.Ravishankar Rao, Advocate SR.No.30726

W.P. No. 13515 of 2019

SS(CO)
GMY(25/09/2020)



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