



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD) No.1061 of 2020

and

W.M.P.(MD) No.850 of 2020

WEB COPY

Arulmigu Koodal Alagar Temple,
Madurai Through its

Assistant Commissioner/Executive Officer ... Petitioner

/vs./

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

2.The Assistant Commissioner of Labour/
Controlling Authority under Payment of
Gratuity Act 1972, Madurai.

3.D.Solaiammal ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to take on file the Appeal filed by the petitioner against the orders passed in P.G.58 of 2017, dated 28.09.2017 passed by the second respondent and dispose the same on merits in accordance with law.

For Petitioner: Mr.S.Manohar

For R-1 & R-2 : Mr.M.Karuppasamy

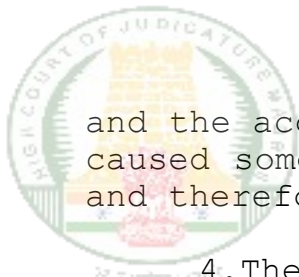
Government Advocate

ORDER

The limited prayer sought for by the writ petitioner is to direct the first respondent to take their appeal filed against the orders passed in P.G.No.58 of 2017, dated 28.09.2017 and dispose of the same on merits.

2.The second respondent herein had returned the appeal filed by the petitioner against the order passed in P.G.No.58 of 2017, on the ground of non-compliance of Section 7(7) of the Payment of Gratuity Act, 1972, since the certificate for pre-deposit has been made after a period of 120 days.

3.The learned counsel for the petitioner would submit that the entire gratuity amount has been paid to the third respondent herein



and the accumulated interest have also been paid. Therefore, it has caused some delay in obtaining the certificate from the authorities and therefore, the present writ petition has been filed.

4.The Hon'ble Division Bench of this Court in identical circumstances, passed orders in a batch of cases in Contempt Application Nos.12 of 2019, etc., dated 19.11.2019, had recorded the statements made by the Temple that the interest has been deposited and the gratuity amount was also paid in some cases and hereby directed the appellate authorities to pursue the appeals. In view of the fact that the petitioner herein had also paid the entire gratuity amount as well as the deposit and interest, this Court is inclined to entertain the prayer sought for by the petitioner.

5.In the light of the above observations, the petitioner is granted liberty to represent the appeal returned, pursuant to the order of the first respondent, dated 03.12.2019 and on receipt of the same, the first respondent herein shall entertain the same and issue notice to the respondents and thereafter, proceed with the matter on its own merits and in accordance with law. The petitioner herein shall represent the appeal papers at least within a period of fifteen (15) days from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

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

2.The Assistant Commissioner of Labour/
Controlling Authority under Payment of
Gratuity Act 1972, Madurai.

+1 CC to M/s.S.MANOHAR, Advocate (SR-4797[F] dated 05/02/2020)

Order made in
W.P. (MD) No.1061 of 2020

sjj

SDS (24.02.2020) 2P-4C

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