



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.17743 of 2005

The Deputy General Manager HRD,
Hindustan Photo Films
Manufacturing Company Ltd.,
rep. By its Manager (Personnel),
Indu Nagar,
Ootacamund - 643 005.

... Petitioner

vs.

1. The Regional Labour Commissioner
(Central),
The Appellate Authority under the
Payment of Gratuity Act, 1972,
4, Haddows Road, Shastri Bhavan,
Chennai 600 006.

2. The Assistant Labour Commissioner
(Central),
Controlling Authority under the
Payment of Gratuity Act, 1972,
New No.5, Old No.1-A (II Floor),
Lady Doak College Road,
Chinna Chokkikulam,
Madurai - 625 002.

3. B.Sagadevan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the order made in G.A.No.15 of 2004 dated 31.05.2004 on the file of the 2nd Respondent and that of the order made in Gratuity Appeal No.331 of 2004, dated 29.04.2005 on the file of the 1st Respondent (received by the Petitioner on 04.05.2005) and quash the same and consequently, direct the 2nd Respondent to refund the sum of Rs.1,08,281.10 deposited by the Petitioner.



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For Petitioner : Mr.V.Kalyana Raman,
for M/s.Aiyar & Dolia
For Respondents 1 & 2 : Mr.V.Ravi
For 3rd Respondent : Mr.K.Soundararajan

O R D E R

Petitioner/Management has come up with this Writ Petition seeking to quash the order dated 31.05.2004 passed by the 2nd Respondent in G.A.No.15 of 2004 and the order dated 29.04.2005 passed by the 1st Respondent in Gratuity Appeal No.331 of 2004 and for a consequential direction to the 2nd Respondent to refund the sum of Rs.1,08,281.10 deposited by them.

2. When the matter was taken up for hearing, Mr.V.Kalyana Raman, learned counsel for the Petitioner fairly submitted that, the issue in question is already covered by an order dated 27.09.2019 passed by this Court in W.P.No.26943 of 2005 and that, the present Writ Petition may also be disposed of on similar lines. For better appreciation, relevant portion of the said order is extracted hereunder:

"2. In view of the fact that the gratuity amount had already been deposited with the competent authority and the Company also wound up long back, this Court is of the considered opinion that, the third Respondent/workman is to be permitted to withdraw the said amount, without any further adjudication.

3. Under these circumstances, the third Respondent is at liberty to file an appropriate application for withdrawal of the entire gratuity amount deposited by the writ petitioner with the Respondents 1 and 2 and in the event of filing any such application, the Respondents 1 and 2 are directed to identify the workman and disburse the deposited amount, as expeditiously as possible."

3. In view of the fact that, the Petitioner/Company has already been wound up, no further orders are required in this Writ Petition. However, taking note of the above order passed by this Court, the 3rd Respondent/employee is at liberty to file an appropriate application for withdrawal of the entire gratuity amount deposited by the Petitioner/Company with the Respondents



1 and 2 and in the event of filing any such application, the Respondents 1 and 2 are directed to identify the workman and disburse the deposited amount, as expeditiously as possible.

The Writ Petition is dismissed with the above observation. No costs. Consequently, connected W.P.M.P.No.19264 of 2005 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

(aeb)

To

1. The Regional Labour Commissioner (Central),
The Appellate Authority under the
Payment of Gratuity Act, 1972,
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New No.5, Old No.1-A (II Floor),
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Madurai - 625 002.

+1cc to Mr.K.Soundararajan, Advocate, S.R.No.33764

W.P.No.17743 of 2005

SSI (CO)
HS (19/08/2021)