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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.38739 OF 2005

AND

W.P.M.P.NO.41479 OF 2005

M/s.Shiva Trading Company,
14, Ekambareswaran Aghraharam,
Mint Street, Chennai - 600 003.

... Petitioner

Vs.

1. The Assistant Commissioner of Labour,
The Controlling Authority under the Payment
of Gratuity Act, 1972,
Office of the Deputy Commissioner of Labour-I,
Chennai - 600 006.

2. Swadeshkumar

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus calling for the records pertaining to order bearing D1/010882/05 in P.G.No.238 of 2004 dated 23.09.2005 (received by the petitioner on 08.10.2005) on the files of the 1st respondent and quash the same and consequently direct the 1st respondent to take up P.G.No.238 of 2004 on its files and decide the same on merits.

For Petitioner : Mr.V.Kalyanaraman

For Respondent : Mr.S.Arumugham,
Government Counsel (R1)
Mr.K.M.Ramesh (R2)

O R D E R

I do not find any infirmity in the impugned order rejecting the petitioner's application seeking for condoning the delay in filing the application to set aside the ex-parte order since there are provisions under the Payment of Gratuity Act, 1972, to file such an application. Hence, the reasoning opted by the Authority in the impugned order seems to be correct.



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2. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Commissioner of Labour,
The Controlling Authority under the Payment
of Gratuity Act, 1972,
Office of the Deputy Commissioner of Labour-I,
Chennai - 600 006.

+lcc to M/s. Aiyar & Dolia, Advocate, S.R.No.50306
+lcc to the Government Pleader, S.R.No.50104

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and W.P.M.P.No.41479 of 2005

AKII(CO)
PM/13/10/2021