



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MRS JUSTICE S.KANNAMMAL

CMP.Nos.4617 & 4619 of 2020

IN WA.Nos.281 & 282 of 2020

1 THE AUROVILLE FOUNDATION [PETITIONER IN BOTH THE PETITIONS]
AUROVILLE 605 101,
TAMIL NADU,
REP. BY ITS SECRETARY.

Vs

1 ASST. LABOUR COMMISSIONER [RESPONDENTS IN BOTH THE PETITIONS]
(CENTRAL), NO.26, HADDOWS ROAD,
SHASTRI BHAVAN, CHENNAI 600 006.

2 DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL),
NO.26, HADDOWS ROAD,
SHASTRI BHAVAN, CHENNAI 600 006.

3 A.LAUTCHMI

4 MR.KRISHNAMURHTY

5 MR.HARIDOSS

6 MR.AYAPPAN

7 MRS.VALTIMA

8 MRS.LINGESWARI

**RR 4 TO 8 IMPEADED OF THE DECEASED R3 VIDE ORDER OF COURT DATED
21/07/2020. MADE IN CMP.NO.739/2020 IN WA.NO.281 OF 2020. (APSCJ &
SKRJ)**



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the recovery of gratuity amount from the Petitioner under order No.M.48/12/2005-B2/B3 dated 07.10.2011 and consequential show cause notice No.M.48/12/2005-B2/B3 dated 16.08.2012 [IN CMP.No.4617/2020] pending disposal of the present WA.No.281/2020.

2.To stay the recovery of gratuity amount from the Petitioner under order No.M.48/12/2005-B2/B3 dated 07.10.2011 and consequential show cause notice No.M.48/12/2005-B2/B3 dated 16.08.2012 [IN CMP.No.4619/2020] pending disposal of the present WA.No.282/2020.

Order : These petitions coming on this day for hearing upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.M.V.SWAROOP, Advocate for the petitioner in both the petitions and of MR.R.VEERAMANI, Advocate for the 4th and 5th Respondents in both the petitions, the court made the following order:-

[Order of the Court was made by *M.M.SUNDRESH, J.*]

Learned counsel appearing for the petitioner submitted that there is no power or authority to respondents 1 and 2 in passing the impugned order.

2. Learned Single Judge did not even go into the said issue while making a wrong recording that the final order passed has not been put to challenge.

3. Learned counsel appearing for respondents 4 to 8 submitted that when such an order was passed on the earlier occasion, the petitioner has not challenged it.

4. The issue raised will have to be decided only at the time of final hearing. The impugned demand is also not huge. In such view of the matter, there shall be an order of interim stay on condition that the petitioner pays the entire amount to the legal heirs of the deceased third respondent, namely respondents 4 to 8, without prejudice to the contentions in the appeal, within a period of four weeks from the date of receipt of a copy of this order.

5. This miscellaneous petition stands disposed of accordingly. Post the appeal for final hearing on 06.10.2021.

-sd/-
25/08/2021

/ TRUE COPY /



TO

1 ASST. LABOUR COMMISSIONER (CENTRAL),
NO.26, HADDOWS ROAD,
SHASTRI BHAVAN, CHENNAI 600 006.

2 DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL),
NO.26, HADDOWS ROAD,
SHASTRI BHAVAN, CHENNAI 600 006.

C.C. to M/S.R.VEERAMANI Advocate SR.NO.4871/2021

Order

in

CMP.Nos.4617 & 4619 of 2020
IN WA.Nos.281 & 282 of 2020

Date :25/08/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RA 01/09/2021