



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.21047 of 2021

and

W.M.P.Nos.22302 & 22304 of 2021

Biddle Sawyer Private Limited,
252,Dr.Annie Besant Road,
Worli, Mumbai - 400 025.

...Petitioner

-Vs-

1.S.Sukumar

2.Controlling Authority under the
Payment of Gratuity Act, 1972,
O/o The Joint Commissioner
Labour - I,
Teynampet,
Chennai - 600 006.

3.The District Collector,
No.62, Rajaji Salai,
Chennai - 600 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records culminating in the certificate under Section 8 read with Rule 19 of the Payment of Gratuity Act and Rules dated 17.06.2021 in P.G.No.06/2017 on the file of the second respondent and quash the same.



For Petitioner : Mr.Vivek Menon

For R2 & R3 : Mr.S.Arumugam
Government Advocate

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ORDER

The recovery certificate under Section 8 of the Payment of Gratuity Act, 1972, is put under challenge in this writ petition.

2. The original order passed by the authority under the Act in P.G.No.06 of 2017, dated 28.09.2018 has not been challenged. There is an appeal remedy provided under the Act as against the order of the authority dated 28.09.2018, which admittedly the petitioner herein has not availed of. When the Act itself provides for an appeal remedy, invoking Article 226 of the Constitution of India, without availing the alternate remedy, is not proper.

3. The learned counsel for the petitioner would make a submission that they have filed an application seeking to set aside the order of the authority dated 28.09.2018 and such an application is pending before the authority.

4. If that be so, the appropriate remedy available to the petitioner is to proceed with this application and the present writ petition, seeking for parallel adjudication, cannot be sustained.

5. In the result, I do not find any merits in the present writ petition. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

ata/hvk



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SMI(CO)
SB(02/11/2021)