



WEB COPY

W.P(MD)No.15468 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD) No.15468 of 2012

and

M.P. (MD) .No.1 of 2012

The Management,
Thanjavur Co-operative Primary Agriculture and
Rural Development Bank Ltd.,
rep. by its Special Officer,
No.39C, Rajappa Nagar,
Fourth Cross Street,
Thanjavur-613 007.

... Petitioner

Vs.

1. The Assistant Commissioner of
Labour/Controlling Authority
Office of the Deputy Commissioner of Labour,
No.26, Third Street,
Kaja Nagar, Tiruchirapalli (Po) & (Dt).

2.The District Collector,
Collectorate, Thanjavur (Po)& (Dt),

3.The Tahsildar,
Thanjavur (Tk), Thanjavur (Po).

4.R.Elayaperumal

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari, calling for the records of the first respondent relating to his order in PG.No.08/2009 (since corrected as P.G.No.06/2009), dated 27.04.2011 and quash the same.

For Petitioner

: Mr.M.S.Suresh Kumar

For Respondent Nos.1 to 3
Government Advocate

: Mr.A.Karthick

For Respondent No.4

: Mr.J.Ashok



ORDER

The present writ petition is filed to call for the records of the first respondent relating to his order in PG.No.08/2009 (since corrected as P.G.No.06/2009), dated 27.04.2011 and quash the same.

2. The short issue involved in the present case is the private respondent was removed from service after conducting departmental enquiry on 01.01.2001 and the said order of termination was challenged by raising industrial dispute before the Labour Court, Cuddalore, in I.D.No.66/2001. After considering the oral and documentary evidence, the Labour Court, by order, dated 02.09.2004 issued a direction to pay the backwages and other benefits upto the date of superannuation. As against the said order of the Labour Court, the Management filed a writ petition before this Court in W.P.3865 of 2005. This Court, by order dated 20.11.2008, partly allowed the writ petition. Thereafter, the private respondent filed a petition under the Payment of Gratuity Act in P.G.No.08/2009 for payment of interest from 01.01.2001 to 04.03.2009 before the first respondent and the said application was allowed. Challenging the same, the present writ petition has been filed.

3. The only contention of the learned counsel for the petitioner is that though the private respondent filed a petition under the Payment of Gratuity Act, however, the said application was allowed without hearing the petitioner.

4. Heard the learned counsel on both side and perused the materials available on record.

5. The issue arises before the Gratuity authorities is whether the petitioner has to pay the interest from the particular date and whether the gratuity amount paid belatedly or in time. So, in order to give an opportunity to the petitioner, this Court is inclined to set aside the order and remanded back the matter to the authorities concerned.

6. Considering the facts and circumstances of the case, this Court without expressing any opinion on the merits of the case, for complying the principles of natural justice, set aside the order passed by the first respondent in P.G.No.08/2009 dated 27.04.2011 and remanded the matter back for fresh consideration. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. The petitioner as well as the 4th respondent is permitted to contest the issue before the 1st respondent.



7. With the above direction, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

PJL

To

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Labour/Controlling Authority
Office of the Deputy Commissioner of Labour,
No.26, Third Street,
Kaja Nagar, Tiruchirapalli (Po) & (Dt).

2.The District Collector,
Collectorate, Thanjavur (Po)& (Dt),

3.The Tahsildar,
Thanjavur (Tk), Thanjavur (Po).

+1 CC to M/s.SPL GP (SR-9686[F] dated 09/03/2021)

+1 CC to M/s.M.S.SURESH KUMAR, Advocate (SR-9756[F] dated 10/03/2021)

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GS (18.05.2021) 3P 6C