



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD)No.20752 of 2017

and

W.M.P (MD) .No.17040 and 17041 of 2017

WEB COPY

The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation Ltd.,
Sachidanandha Moopanar Road
Thanjavur

... Petitioner

Vs.

1.The Joint Commissioner of Labour
Trichy

2.The Assistant Commissioner of Labour
Trichy

3.T.K.Suriyamoorthy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records, pertaining to the impugned order passed by the 1st respondent in P.G.A.No.10 of 2014 dated 28.07.2015 confirming the order passed by the 2nd respondent in P.G.No.37 of 2013 dated 28.02.2014 and quash the same.

For Petitioner

:Mr.R.Vijayakumar

For R1 and R2

:Mr.R.Murugan

Additional Government Pleader

For R3

:Mr.N.Sekar

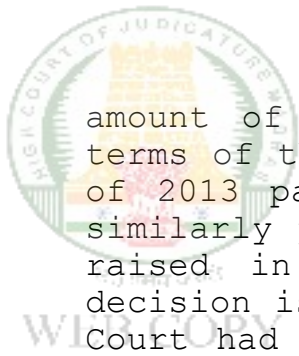
For M/s.Law Square

ORDER

Heard Mr.R.Vijayakumar, Learned Counsel for the Petitioner, Mr.R.Murugan, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr.N.Sekar, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The claim for enhanced amount of gratuity made by the Third Respondent from the Petitioner which was granted by order dated 28.02.2014 in P.G.No.37 of 2013 by the Second Respondent as the controlling authority under Section 7(4) of the Payment of Gratuity Act, 1972, as confirmed in appeal by order dated 28.07.2015 in P.G.A.No.10 of 2014 passed by the First Respondent under Section 7 (7) of the Payment of Gratuity Act, 1972, is assailed in this Writ Petition.

3. It is borne out of the record that the benefits of enhanced



amount of gratuity had been extended to the Third Respondent in terms of the order dated 30.09.2013 in W.P. (MD) Nos.16007 to 16011 of 2013 passed by the learned Judge of this Court in respect of similarly placed employees of the Petitioner. The only contention raised in this Writ Petition for inapplicability of the said decision is that the said order passed by the Learned Judge of this Court had been stayed in appeal by order dated 06.03.2014 in W.A. (MD) Nos.353 to 357 of 2014 by the Division Bench of this Court. It is brought to notice that after the filing of this Writ Petition, the Division Bench of this Court by order dated 12.03.2018 in W.A. (MD) Nos.353 to 357 of 2014 has confirmed the order dated 30.09.2013 in W.P. (MD) Nos. 16007 to 16011 of 2013 passed by this Court. The Petitioner has not shown any infirmity in the impugned orders or any other distinguishing features to deny the extension of the same benefit to the Third Respondent in this case. In such circumstances, the impugned orders do not require any interference from this Court.

4. In the result, the Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (T&P)

// 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.

MSA/SRM

To

1.The Joint Commissioner of Labour
Trichy

2.The Assistant Commissioner of Labour
Trichy

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