



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.3866 OF 2022

C.Arumugam

... Petitioner

.Vs.

1. The Managing Director,
Thiruthani Co-op. Sugar Mills Ltd.,
Thiruvalankadu - 631 210,
Thiruvallur District.

2. The Commissioner,
Sugar Corporation,
No.690, Anna Salai,
Nandanam, Chennai - 600 035.

3. The Joint Director of Industrial
Safety and Health,
No.6/9, Lalbagadur Shastri Street,
Periya Kuppam (II Floor),
Thiruvallur District - 602 001.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to issue the gratuity amount with interest to the Petitioner.

For Petitioner : Mr.S.Ezhil Raj

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader
For R1 & R2

Mr.S.Rajesh
Government Advocate
For R3



O R D E R

Heard Mr.S.Ezhil Raj, Learned Counsel for the Petitioner, Mr.U.Bharanidharan, Learned Government Advocate appearing for the First and Second Respondents and Mr.S.Rajesh, Learned Government Advocate appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was entitled to make an application claiming for gratuity before the Controlling Authority under Section 7(4) of the Payment of Gratuity Act, 1972, has filed this Writ Petition on 15.02.2022 for directing the Respondents to pay the gratuity amount with interest to him. There is no acceptable explanation from the Petitioner for not having resorted to that alternative remedy provided under the statute. In this context, it may be recapitulated here that the Hon'ble Supreme Court of India in Assistant Collector of Central Excise -vs- Dunlop India Limited [(1985) 1 SCC 260] has succinctly explained the legal position relating to the exercise of discretionary powers under writ jurisdiction as follows:-

"3. Article 226 is not meant to short-circuit or circumvent statutory procedures. It is only where statutory remedies are entirely ill-suited to meet the demands of extraordinary situations as for instance where the very vires of the statute is in question or where private or public wrongs are so inextricably mixed up and the prevention of public injury and the vindication of public justice require it that recourse may be had to Article 226 of the Constitution. But then the Court must have good and sufficient reason to bypass the alternative remedy provided by statute. Surely matters involving the revenue where statutory remedies are available are not such matters. We can also take judicial notice of the fact that the vast majority of the petitions under Article 226 of the Constitution are filed solely for the purpose of obtaining interim orders and thereafter prolong the proceedings by one device or the other. The practice certainly needs to be strongly discouraged."

When the same was pointed out to Learned Counsel for the Petitioner, he seeks permission of the Court to withdraw this Writ Petition with liberty to make an application claiming gratuity before the Controlling Authority. He has also made an endorsement to that effect in the court record.



In fine, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Managing Director,
Thiruthani Co-op. Sugar Mills Ltd.,
Thiruvalankadu - 631 210,
Thiruvallur District.
2. The Commissioner,
Sugar Corporation,
No.690, Anna Salai,
Nandanam, Chennai - 600 035.
3. The Joint Director of Industrial
Safety and Health,
No.6/9, Lalbagadur Shastri Street,
Periya Kuppam (II Floor),
Thiruvallur District - 602 001.

+1cc to the Government Pleader, S.R.No.13353

W.P.NO.3866 OF 2022

PL(CO)
PBS/13/04/2022