



W.P.No.17518 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.17518 of 2022
and W.M.P.Nos.16803 & 16805 of 2022

The Managing Director,
M/s. Selvarangam Hospital,
Rep. by its Managing Director,
Dr.S. Selvakumar,
C-54, 1st Main Road,
Chinthamani, Anna Nagar West,
Chennai – 600 012.

.. Petitioner

Vs.

1.The Tahsildar,
Aminjikarai Taluk Office,
Bharathipuram Main Road,
Shenoy Nagar, Chennai – 600 030.

2.The Deputy Commissioner (Incharge),
Labour Joint Commissioner – I Office,
DMS Campus, Annasalai,
Teynampet, Chennai – 600 006.

3.Mrs.S. Razhiya Bee

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, calling for the records of the second respondent in PG.No.23 of 2021 order dated 31.08.2021 and quash the same.



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W.P.No.17518 of 2022

For Petitioner : M/s.R. Balambigai Gowri

For Respondents : Mr.D. Ravichander,
Special Government Pleader [R1 & R2]

Mr.E. Senthilnathan - No appearane [R3]

ORDER

The petitioner is aggrieved by the *exparte* award passed against them in P.G.No.23/2021 dated 31.08.2021 by the second respondent.

2. The petitioner claims that they have not received notice from the second respondent in P.G.No.23/2021 dated 31.08.2021. They also claim that they have also not received the award which is the subject matter challenge in this Writ Petition. According to the petitioner, despite having not received any notice in the impugned proceedings and despite having not received the impugned award, the first respondent is taking coercive steps against the petitioner to recover the same payable under the impugned award. The petitioner has already filed an application seeking to set aside the *exparte* award on 11.05.2022. The grievance of the petitioner is that despite filing the application to set aside the *exparte* award, till date, the same has not been numbered and entertained by the first respondent.



W.P.No.17518 of 2022

3. Under the impugned award dated 31.08.2021 passed in P.G.No.23/2021, the petitioner has been directed to pay a sum of Rs.59,769/- together with interest at 10% p.a., to the third respondent, as gratuity amount. This Court is of the considered view that the interest of the third respondent will be fully protected if the petitioner is directed to deposit the sum payable under the impugned award to the credit of the proceedings pending before the second respondent in P.G.No.23/2021.

4. For the foregoing reasons, this Writ Petition is disposed of, by directing the petitioner to deposit a sum of Rs.59,769/- to the credit of the impugned proceedings in P.G.No.23/2021 on the file of the second respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the said deposited amount from the petitioner within the stipulated time, the second respondent shall entertain the application filed by the petitioner on 11.05.2022, seeking to set aside the *ex parte* award dated 31.08.2021 passed in P.G.No.23/2021 and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of deposited amount, as stipulated in this order. Till final orders are passed by the second respondent pursuant



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W.P.No.17518 of 2022

ABDUL QUDDHOSE,J.

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to the directions given by this Court today, no coercive steps shall be taken by the first respondent against the petitioner. No costs. Connected miscellaneous petitions are closed.

20.12.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

- 1.The Tahsildar,
Aminjikarai Taluk Office,
Bharathipuram Main Road,
Shenoy Nagar, Chennai – 600 030.
- 2.The Deputy Commissioner (Incharge),
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