



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

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CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.20368, 20377, 20382, 20385, 20389, 20393,
20397, 20401, 20404, 20374 of 2021
and WMP.Nos.21625, 21663, 21638, 21643, 21621, 21658,
21648, 21653, 21629, 21635 of 2021

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram, Cuddalore

.. Petitioner in all WPS

vs.

1.A.Sankaralingam	..1 st Respondent in WP.No.20368 of 2021
1.M.Somasundaram	..1 st Respondent in WP.No.20377 of 2021
1.C.Vijayakumari	..1 st Respondent in WP.No.20382 of 2021
1.R.Durai	..1 st Respondent in WP.No.20385 of 2021
1.R.G.Senthil Nathan	..1 st Respondent in WP.No.20389 of 2021
1.D.Maruthayan	..1 st Respondent in WP.No.20393 of 2021
1.S.Rajendran	..1 st Respondent in WP.No.20397 of 2021
1.S.R.D.M.Ramamurthi	..1 st Respondent in WP.No.20401 of 2021
1.R.Pichumani	..1 st Respondent in WP.No.20404 of 2021
1.R.Thiruvarasan	..1 st Respondent in WP.No.20374 of 2021

2.The Deputy Commissioner of Labour-II (I/c)
O/o. The Joint Commissioner of Labour-II Office,
Chennai.

..2nd Respondents in all WPS



Prayers in WP.Nos.20368, 2037, 20382, 20385, 20389, 20401, 20404, 20374 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the second respondent Order in PG. Case No.05, 07, 18, 27, 32, 17, 22 and 08 of 2021 dated 08.03.2021 and quash the same.

Prayers in WP.Nos.20393 & 20397 of 2021

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the second respondent Order in PG. Case No.56 and 58 of 2021 dated 28.07.2021 and quash the same.

For Petitioner : Mr.R.Neelakandan,
in all W.Ps. Additional Advocate General
assisted by Mr.K.Sathish Kumar

For R1 : Mr.D.Baskar
in all WPs

COMMON ORDER

The petitioner, challenging the impugned order passed by the second respondent in the respective PG Cases, has filed these writ petitions.

2. The learned counsel for the first respondent submits that the petitioner has approached this Court without exhausting the alternative remedy available under Section 7(7) of the Payment of Gratuity Act, 1972 and therefore, these writ petitions are not maintainable.

3. According to the petitioner, in certain cases payments were already made, as per the Labour Court order.

4. A perusal of the grounds raised by the petitioner would disclose that no satisfactory explanation has been offered by the petitioner for not exhausting the alternative remedy before approaching this Court. Therefore, the petitioner is granted liberty to seek his remedy before the Appellate Authority under Section 7(7) of the Payment of Gratuity Act, 1972 within a period of three weeks from the date of receipt of a copy of this order. It is also open to the petitioner to furnish the details of payments already made before the Appellate Authority at the time of filing the appeal. It is also made clear that the interim order already granted by this Court shall be in force only for a period of three weeks.



5. These Writ Petitions stands dismissed with the above liberty. No costs. Consequently, connected miscellaneous petitions are also dismissed.

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Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Jvm

To

1.The Deputy Commissioner of Labour-II (I/c)
O/o. The Joint Commissioner of Labour-II Office,
Chennai.

2.The Registrar
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore.

+lcc to Mr.D.Baskar, Advocate, S.R.No.26702

W.P.Nos.20368, 20377, 20382, 20385, 20389, 20393,
20397, 20401, 20404, 20374 of 2021

SPD(CO)
SB(29/04/2022)