



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.20412, 20415, 20418, 20419 & 20422 of 2021
and

W.M.P.Nos.21673, 21674, 21676, 21678, 21681, 21683, 21684,
21685, 21687 & 21688 of 2021

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

... Petitioner in all W.Ps

Vs.

- | | |
|--|---|
| 1.C.K.Rajasekaran | ... 1 st Respondent in W.P.No.20412/2021 |
| 2.S.Dhanasekaran | ... 1 st Respondent in W.P.No.20415/2021 |
| 3.P.Vaidhiyanathasamy | ...1 st Respondent in W.P.No.20418/2021 |
| 4.R.Thiyagarajan | ...1 st Respondent in W.P.No.20419/2021 |
| 5.S.Thilagam | ...1 st Respondent in W.P.No.20422/2021 |
| 2. The Deputy Commissioner of Labour - II,
O/o.The Joint Commissioner of Labour - II Office,
Chennai - 6. ... 2 nd Respondent in all W.Ps | |

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the second respondent order in PG.Case.No.57, 21, 06, 10 & 11/2021, dated 28.07.2021, 08.03.2021 and quash the same.

For Petitioner : Mr.K.Sathish Kumar
in all W.Ps

For R1 : Mr.D.Baskar
in all W.Ps



COMMON ORDER

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

2.The learned counsel for the first respondent in all writ petitions would submit that the petitioners have 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 petitioners, in certain cases payments were already made, as per the Labour Court order.

4.A perusal of the grounds raised by the petitioners would disclose that no satisfactory explanation has been offered by the petitioners for not exhausting the alternative remedy before approaching this Court. Therefore, the petitioners are granted liberty to seek their 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 petitioners 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 closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Dua

To

The Deputy Commissioner of Labour - II,
O/o.The Joint Commissioner of Labour - II Office,
Chennai - 6.



Copy to:

The Section Officer,
English Record (Writs),
High Court, Madras.

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+1cc to the Government Pleader, S.R.No.27230

W.P.Nos.20412, 20415, 20418, 20419 & 20422 of 2021
and
W.M.P.Nos.21673, 21674, 21676, 21678, 21681,
21683, 21684, 21685, 21687 & 21688 of 2021

NR(CO)
SU(12/05/2022)