



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.20390, 20392, 20396, 20400,20402, 20405 and
20407 of 2021

and

W.M.P.Nos. 21642, 21644, 21645, 21646, 21651, 21652, 21654,
21655, 21659, 21660, 21662, 21664, 21666 and 21667 of 2021

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

...Petitioner in all WP's

Vs.

1.M.Thillai Govindan

...1st Respondent in W.P. No. 20390 of 2021

R.Rajendran

...1st Respondent in W.P. No. 20392 of 2021

R.Venkatesan

...1st Respondent in W.P. No. 20396 of 2021

Tmt.S.Jayanthi

...1st Respondent in W.P. No. 20400 of 2021

V.Manoharan

...1st Respondent in W.P. No. 20402 of 2021

S.Ponmudi

...1st Respondent in W.P. No. 20405 of 2021

P.Swaminathan

...1st Respondent in W.P. No. 20407 of 2021

2.The Deputy Commissioner of Labour -II (I/c)

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

...2nd Respondent in all WP's

Common Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent order in PG Case No. 12/2021 in WP.20390/2021, PG Case No. 16/2021 in WP.20392/2021, PG Case No. 33/2021 in WP.20396/2021, PG Case No. 26/2021 in WP.20400/2021, PG Case No. 28/2021 in WP.20402/2021, PG Case No. 29/2021 in WP.20405/2021, PG Case No. 19/2021 in WP.20407/2021, dated 08.03.2021 and quash the same.



WEB COPY

For Petitioners : Mr.Ramesh
For K.Sathish Kumar in all WP's
For Respondents : Mr.D.Baskar - R1 in all WP's

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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ak



To

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

Copy to:

The Section Officer,
E.R. Section,
High Court,
Madras.

(to return the original impugned order to the petitioner, by
replacing with a xerox copy)

+1cc to Mr.D.Baskar, Advocate SR. No. 27232

W.P.Nos.20390, 20392, 20396,
20400,20402, 20405 and 20407 of 2021
and

W.M.P.Nos. 21642, 21644, 21645,
21646, 21651, 21652, 21654, 21655, 21659,
21660, 21662, 21664, 21666 and 21667 of 2021

SR II (CO)
PR (31/05/2022)