



WP.No.32686 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.11.2022

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. No.32686 of 2014

The Management of
Coimbatore District Co-operative
Milk Producer's Union Ltd.,
Pachapalayam, Coimbatore – 10.

... Petitioner

Vs.

1.The Joint Commissioner of Labour
The Appellate Authority
For Payment of Gratuity Act 1972,
Coimbatore

2. K.N. Murugesan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the order of the 1st respondent herein in AGA. No. 01 of 2014 passed on 10.06.2014 in GA 71/2011 and quash the same.



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For Petitioner : Mr. P. Narayanamoorthy
For Respondents : R1 – No appearance
Mr.K.M.Ramesh for R2

ORDER

This writ petition is filed praying to set aside the order of the first respondent – Joint Commissioner of Labour dated 10.06.2014 passed in A.G.A.No.1 of 2014.

2. Petitioner is the Management. Second respondent is the workman. For certain charges, the 2nd respondent/workman was suspended on 29.08.1973 and after departmental enquiry, he was dismissed from service on 15.04.1974. The workman preferred I.D.No.149 of 1977 and the same was awarded in favour of the workman. Writ Petition and Writ Appeal filed by the Management against the said award have been dismissed by this court.

3. The workman/2nd respondent filed computation petitions claiming



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backwages from 29.08.1973 to 21.11.1999 and also for different periods and the same were awarded in his favour. The workman/2nd respondent attained the age of superannuation on 11.04.2004 and therefore, filed application for payment of Grantuity before the Authority concerned. Before the Adjudicating Authority, the Management filed calculation memo relating to the workman. However, the Authority passed the order for payment of gratuity based on the salary of the co-employee who was regularly working and ordered G.A.No.71 of 2011 on 05.08.2013. As against the said order, Management filed A.G.A.No.1 of 2014 before the appellate authority. The said appeal has also been dismissed on 10.06.2014.

4. The writ petitioner-Management has not been successful before the Labour court and the Authorities of Payment of Gratuity Act. However, challenging the orders passed by the Adjudicating Authority as well as Appellate Authority, this writ petition is filed for invoking the remedy



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under [Article 226](#) of the Constitution of India. The findings of the authorities is cogent and the computation worked out is based on documents and it does not call for any interference. I find no good reason or ground to entertain this writ petition. In the result, the writ petition fails and it is dismissed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
Jer/nvsri

To

The Joint Commissioner of Labour
The Appellate Authority
For Payment of Gratuity Act 1972,
Coimbatore

J.NISHA BANU, J.,

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