



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.23090 OF 2017

AND

W.M.P.NO.24321 OF 2017

1. Vasanthi

2. Vibin

3. Vinitha

... Petitioners

.Vs.

1. The Assistant Commissioner of Labour  
and Controlling Authority,  
Coimbatore.

2. The Tahsildar,  
Coimbatore South,  
Coimbatore.

3. The Revenue Inspector,  
Coimbatore Town,  
Coimbatore.

4. K.Dhanalakshmi

... Respondents

PRAYERS:-

Petition filed under Article 226 of the Constitution of India praying to issue Writs of Certiorari, calling for the records of order G.A.No.113 of 2016 dated 03.01.2017 on the file of the First Respondent and quash the same.

For Petitioners : Mr.N.Ponraj

For Respondents : Mrs.C.Sangamithirai  
Special Government Pleader  
(for R1, R2 & R3)

Mr.A.Deivasigamani (for R4)



O R D E R

Heard Mr. N.Ponraj, Learned Counsel for the Petitioner and Mrs.C.Sangamithirai, Learned Special Government Pleader for the First to Third Respondents and Mr.A.Deivasigamani Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners are the legal heirs of one Arumugam against whom the Fourth Respondent had made a claim for gratuity in G.A. No. 113 of 2016 before the First Respondent in which an order dated 18.03.2016 has been passed after he had died on 01.03.2016, which is challenged in this Writ Petition. Inasmuch as the impugned order had been made against a dead person, it is a nullity and the same is set aside. The Fourth Respondent is not precluded from filing any fresh application claiming gratuity due from the Petitioners as the legal representatives of the said Arumugam under the relevant provisions of the Payment of Gratuity Act, 1972.

In the upshot, the Writ Petition is disposed with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Assistant Commissioner of Labour  
and Controlling Authority,  
Coimbatore.
2. The Tahsildar,  
Coimbatore South,  
Coimbatore.



3. The Revenue Inspector,  
Coimbatore Town,  
Coimbatore.

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+1cc to Mr.A.Deivasigamani, Advocate, S.R.No.13200

+1cc to the Government Pleader, S.R.No.13762

W.P.NO.23090 OF 2017

JPL (CO)

PBS/11/03/2022