



W.P.(MD).No.1212 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1212 of 2020

and

W.M.P.(MD).Nos.983 and 984 of 2020

The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur District.

... Petitioner

vs.

1.The Assistant Commissioner of Labour,
Office of Deputy Commissioner of Labour,
Tiruchirapalli.

2.Mr.M.S.Narayanan

... 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 relating to the impugned order passed by the first respondent, dated 07.08.2017 in P.G. Application No.360 of 2016 and quash the same.



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For Petitioner : Mr.N.Dilip Kumar
For R1 : Mrs.K.Christy Theboral
Additional Government Pleader
For R2 : Mr.S.Arunachalam

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent, dated 07.08.2017 in P.G. Application No. 360 of 2016 and to quash the same.

2. The learned counsel appearing for the petitioner would submit that the second respondent, who is an employee of Thanjavur Municipal Corporation made a claim under Section 4(1) of Payment of Gratuity Act, 1972. The first respondent, in P.G. Application No.360 of 2016, dated 07.08.2017, allowed the claim made by the second respondent. Against which, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the first respondent would submit that as against the order passed by the first



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respondent, there is an effective alternative remedy available before the appellate authority. Hence, this Court may grant liberty to the petitioner to file appropriate appeal before the appellate authority in terms of Section 7(7) of the Payment of Gratuity Act.

4. In view of the above, this Writ Petition is dismissed, giving liberty to the petitioner to file an appeal and raise all the issues before the appellate authority, within a period of four weeks from the date of receipt of a copy of this order and if such appeal is filed, the appellate authority is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording opportunity to the petitioner as well as the private respondent as expeditiously as possible. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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To

The Assistant Commissioner of Labour,
Office of Deputy Commissioner of Labour,
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M.DHANDAPANI,J.

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