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W.P.No.10690 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.10690 of 2004

And

W.P.M.P.No.12544 of 2004

The Chairman – cum – Managing Director,
Neyveli Lignite Corporation Ltd.,
Neyveli – 607 801.

... Petitioner

Vs.

1.The Controlling Authority,
Under Payment of Gratuity Act, 1972 &
Asst. Labour Commissioner (Central) II
26, Haddows Road,
Sasthri Bhavan,
Chennai – 600 006.

2.A.Alfons

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the first respondent passed in Gratuity Application No.48/507 of 2003, dated 01.03.2004 and quash the same.

For Petitioner : Mr.N.Nithianandam
For Respondents : No Appearance for R1 and R2



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the order of the first respondent passed in Gratuity Application No.48/507 of 2003, dated 01.03.2004 and to quash the same.

2.When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the matter has already been settled before the Lok Adalat on 22.04.2004 and hence no further adjudication is necessary in this writ petition.

3.The relevant portion of the Lok Adalat award dated 22.04.2004 is extracted hereunder:

'3)Accordingly, with the mutual consent of parties, this Adalat being satisfied with the fairness of settlement arrived and as it is also in the interest of either parties pass the following Award:-

a)The opposite party herein is directed to disburse a sum of Rs.33982.00 as ex-gratia amount with respect to the claimant, reckoned as if the gratuity ceiling were Rs.2.5 lakhs and not Rs.1.0



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lakh as on the date of claimant's Superannuation, which would be strictly outside the scope of the Payment of Gratuity Act, 1972.

b)The above payment is being accepted and acknowledged by the claimant herein as an ex-gratia outside the scope of the Payment of Gratuity Act, 1972 in full and final settlement of any and all claims in respect of gratuity against the Corporation.

c)On disbursal of the sum as mentioned above, there shall be no further liability on the opposite party herein with respect to any further amount including interest or otherwise for the delay in settlement of ex-gratia.'

4.The Lok Adalat award dated 22.04.2004 shall form part and parcel of the order. Since the matter has already been settled before the Lok Adalat, no further adjudication is necessary in this writ petition.



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J.NISHA BANU,J.
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5.The writ petition is accordingly closed. No costs.

Consequently, connected miscellaneous petition is closed.

04.01.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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