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W.P.No.29089 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.29089 of 2005
and W.P.M.P.No.29 of 2006

Kallakurichi Agricultural Producers
Co-operative Marketing Society Ltd.,
Rep. by its Special Officer,
Napal Street, Kallakurichi Post,
Villupuram District

... Petitioner

Vs.

1.The Assistant Commissioner of Labour,
Labour Court,
Chennai – 6.

2.S.Ramasamy (Deceased)

3.Amutha

(R3 substituted as LR of deceased second respondent vide order dated 02.02.2023 made in W.M.P.No.2351 of 2023 in W.P.No.29089 of 2005 by JNBJ)

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the first respondent in Gratuity case No.143 of 2000 dated 17.10.2000 and quash the



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same.

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For Petitioner : Mr.M.S.Palaniswamy

For Respondent 1 : Mr.T.K.Saravanan,
Government Advocate

For Respondent 2 : Mr.V.Kalyanaraman
for M/s.Ayer and Dolia

ORDER

The relief sought by the petitioner in this writ petition is to call for the records of the first respondent in Gratuity case No.143 of 2000 dated 17.10.2000 and quash the same.

2. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that as per the award dated 17.10.2000 passed by the Assistant Commissioner of Labour in Gratuity Case No.143 of 2000, a sum of Rs.89,135/- (Rupees Eighty Nine Thousand One Hundred and Thirty Five only) was deposited to the credit of aforesaid Gratuity Case No.143 of 2000 on 23.09.2005.



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3. The third respondent viz., Amutha, who is the legal heir of the deceased second respondent has appeared in person before this Court and agreed to withdraw the aforesaid sum of Rs.89,135/-, which was deposited on 23.09.2005, along with the accrued interest and she has also sought permission of this Court to withdraw the said amount by making appropriate application before the first respondent.

4. In view of the above submission made by the third respondent, this Court permits the third respondent to make an appropriate application before the first respondent/Assistant Commissioner of Labour for withdrawing the above said amount of Rs.89,135/-, along with accrued interest, within a period of three weeks from the date of receipt of a copy of this order.

5. In the result, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

10.03.2023

(Issue order copy on 14.03.2023)



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vm

Index : Yes/No

Speaking Order : Yes/No

J.SATHYA NARAYANA PRASAD,J.

vm

To:

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