



W.P.Nos.27386 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.27386 of 2013

and

M.P.No.1 of 2013

M/s. Kanchi Anna Wavers Co-operative
Production and Sales Society Ltd.,
Rep. by its Managing Director, P.Saravanan,
Kanchikovil,
Erode District.

....Petitioner

vs

1. The Join Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore -18.

2. The Assistant Commissioner of Labour,
The Controlling Authority,
Under the Payment of Gratuity Act, 1972
Salem - 07.

3. K.Prakasamoorthy

.... Respondents

Writ Petition filed under Article 226 of the Constitution to issue a Writ of Certiorarified Mandamus to call for the records in order daed 30.06.2013 passed by the 1st respondent in A.G.A.No.173/2011 and quash the same and direct the 1st respondent to remand back to the 2nd repsondent



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for fresh hearings.

For Petitioner : Mr.S.Sudalaikani

For Respondents : No appearance.

ORDER

This Writ Petition has been filed challenging the order passed by the 1st respondent dated 30.06.2013, dismissing the appeal, confirming the order passed by the 2nd respondent dated 10.06.2005, in which, the 2nd respondent allowed the application filed by the 3rd respondent, holding that the 3rd respondent is entitled to a sum of Rs.45,480/- towards gratuity.

2. The matter is of the year 2013. It is unfortunate to note from the records that till date, notice has not been served on the respondents.

3. Learned counsel appearing for the petitioner would state that as per the order of the Labour Court, the gratuity amount has been paid to the 3rd respondent and recording his submission, the writ petition may be closed. The petitioner has also produced the copies of receipt for the payment made to the 3rd respondent/workman towards gratuity.

4. This Court is not able to ascertain whether the full amount was paid to the 3rd respondent or not. Since the learned counsel for the petitioner had stated that the amount has been paid to the 3rd respondent,



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and to that effect copies of receipt of payment has been produced, this Court is of the opinion that this writ petition need not be kept pending and the same may be closed. Accordingly, the Writ Petition stands closed. However, if there is any dispute in respect of the amount paid, the 3rd respondent is at liberty to proceed with the matter in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

28.04.2023

Index: Yes/No
Speaking/Non-speaking order
vsi

To

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J.NISHA BANU,J.

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