



WEB COPY



W.P.No.24937 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24937 of 2018

And

W.M.P.No.28982 of 2018

1.KGS Spinners
Represented by its Proprietor
Mr.S.Sreekanth

2.S.Sreekanth (Died)
3.Radhika Sri Hari
4.B.Anupa Ranganayaki
5.S.Sree Vickrant (Minor)
6.S.Aathreya (Minor)

(P5 and P6 Minors Represented
by its Mother P4)

(P4 to P6 substituted as LR of
Deceased petitioner P2 vide
order dated 13.10.2020 made in
WMP.16109/2020 in WP.24937/
2018 by RSKJ)

... Petitioners

Vs.

1.The Joint Commissioner of Labour,
Appellate Authority,
Dr.Balasundaran Road,
Coimbatore – 641 018.

2.The Assistant Commissioner of Labour,
Controlling Authority,
Dr.Balasundaran Road,
Coimbatore – 641 018.



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3.B.Premavathi

... Respondents

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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent relating to the Case No.Pa.Ko.May.Mu.49 of 2017 order dated 18.06.2018 passed by the first respondent confirming the order of the second respondent in G.A.No.87/2014 dated 31.08.2015 and quash the same.

For Petitioners : Mr.S.R.Sundar
For Respondents : Mr.M.S.Prem Kumar for R1 and R2
Government Advocate
Mrs.R.Pushpalatha for R3

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent relating to the Case No.Pa.Ko.May.Mu.49 of 2017 order dated 18.06.2018 passed by the first respondent confirming the order of the second respondent in G.A.No.87 of 2014 dated 31.08.2015 and quash the same.

2.The case of the petitioners is that the third respondent filed gratuity application in G.A.No.87 of 2014 before the second

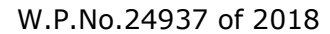


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respondent seeking gratuity and the second respondent vide order dated 31.08.2015 directed the petitioners Management to pay a sum of Rs.11,256/- as gratuity to the third respondent. Aggrieved by the same, the petitioners preferred appeal before the first respondent and the first respondent vide order dated 18.06.2018 dismissed the appeal. Challenging the same, the petitioners have filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that at the time of filing appeal, the petitioners deposited the amount of Rs.11,256/- before the second respondent. Hence, in order to give quietus to the issue, the petitioners are not inclined to contest this case as against the third respondent and is ready to give the amount of Rs.11,256/-, already deposited before the second respondent, in full quit, to the third respondent. Hence, this Court may issue direction to second respondent to disburse the said amount to the third respondent and restrain the third respondent to litigate again against the petitioners.

4.The learned counsel appearing for the third respondent submitted that if the amount is disbursed in favour of the third



5. Recording the submission made by the learned counsel appearing for the third respondent, this writ petition stands dismissed. The second respondent is directed to disburse the amount of Rs.11,256/-, already deposited by the petitioners, along with accrued interest, to the third respondent on proper identification. No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Joint Commissioner of Labour,
Appellate Authority,
Dr.Balasundaran Road,
Coimbatore – 641 018.
- 2.The Assistant Commissioner of Labour,
Controlling Authority,
Dr.Balasundaran Road,
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