



W.P.No.23904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23904 of 2023

R.Shanmugaraj

... Petitioner

Vs.

1.The Assistant Commissioner of Labour,
(Controlling Authority under Payment of Gratuity Act),
Office of the Deputy Commissioner of Labour,
Coimbatore – 641 018.

2.S.Muthukumar

3.S.Balamurugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 1st respondent in G.A.No.221 of 2017, quash its order dated 01.12.2022 received on 11.02.2023.

For Petitioner : Mr.G.Arumugaraja

For Respondents : Mr.M.S.Prem Kumar
Government Advocate [R1]
Ms.S.B.Keerthana
for M/s.T.S.Gopalan & Co [R2 & R3]



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ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to quash the order passed by the first respondent in G.A.No.221 of 2017, dated 01.12.2022 received on 11.02.2023.

2. The case of the petitioner is that, the respondents 2 and 3 are the Proprietor of M/s.Kovai Vigneswara Textiles showroom, wherein the petitioner joined as labourer on 10.03.2011. While so, all of a sudden, the respondents 2 and 3 terminated the petitioner from work without issuing any show cause notice on 07.05.2017. Thereafter, he made a representation before the first respondent on 16.08.2017 and 13.09.2017 seeking payment of gratuity. Since the same was not considered, the petitioner filed an application before the first respondent in G.A.No.221 of 2017 seeking gratuity amount. After considering the documents and pleadings of both parties, the first respondent dismissed the claim petition filed by the petitioner vide order dated 01.12.2022. Challenging the same, the above writ petition is filed before this Court.



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3. The learned counsel appearing for the petitioner submits that, as against the impugned order passed by the first respondent, there was an effective appeal remedy before the appellate authority under Section 7(7) of the Payment of Gratuity Act, 1972. Hence, he prays that, this Court may grant the above liberty to the petitioner.

4. In view of the above submissions made by the learned counsel appearing for the petitioner, this Writ Petition is dismissed with a liberty to the petitioner to prefer an appeal before the appellate authority in the manner known to law. No costs.

16.08.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Assistant Commissioner of Labour,
(Controlling Authority under Payment of Gratuity Act),
Office of the Deputy Commissioner of Labour,
Coimbatore – 641 018.



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M.DHANDAPANI, J.

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