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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.28909 of 2022

M/s.Calyx Container Terminals Pvt. Ltd.,
Rep. by its General Manager Mr.D.Maharajan
28, GNT Road (NH-5) Puzhal Junction,
Kathirvedy Village, Near Erattai Eri,
Chennai – 600 066.

Petitioner

vs.

1.The Inspector of Police,
Central Crime Branch,
Team-XX, EDF-II,
Chennai.

2.Controlling Authority,
Under the Payment of Gratuity Act &
Assistant Labour Commissioner,
(Central) Chennai

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue necessary direction directing the respondent No.2 Controlling Authority to not pass any orders and stay all further proceedings in P.G Case No.M/48/6/2017 till the disposal of the

Cr.No.131/2019.



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For Petitioner : Mr.R.Vijayaraghavan

For Respondents : Mr.A.Gopinath
Government Advocate
(Criminal Side) for R1

Mr.K.Ramamoorthy
Central Government Standing
Counsel for R2

ORDER

This criminal original petition has been filed for a direction to the 1st respondent to complete the investigation in Crime No.131 of 2019 and for a further direction to the 2nd respondent not to pass final orders in the P.G. case till the completion of the investigation in Crime No.131 of 2019.

2. When the matter came up for hearing on 27.01.2023, this Court passed the following order:

This petition is filed to direct the 2nd respondent, Controlling Authority to not pass any orders and stay all further proceedings in P.G. Case No.M/48/6/2017 till the disposal of the Crime No.131 of 2019.

2. It is submitted by learned counsel appearing for the petitioner that one V.V.Santharaman who was working as



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Chief Executive of the respondents in petitioner company in P.G.Case No.M/48/6/2017 had misappropriated to the tune of Rs.1 crore of the respondents funds. In this regard a criminal complaint was given and F.I.R in Crime No.131 of 2019 was registered for the offence u/s 408, 420, & 120B of I.P.C and it is pending investigation. Mean while, said Santharaman filed P.G.Case for payment of Gratuity against the petitioner company claiming a sum of Rs.3,86,048/-. However, the petitioner objected to release the amount for the reason that the said Santharaman owes more than Rs.1 Crore.

3.In response, learned counsel appearing for the second respondent submitted that as per Section 8 of Payment of Gratuity Act, 1972, it is mandatory on the part of the authority to order for payment of gratuity.

3. Learned Government Advocate appearing for the first respondent submitted that investigation is pending and it will take another two months for completion of investigation.

4. Taking into consideration the entire factual aspects of the case and finding merits in the contention of the learned counsel appearing for the petitioner, this Court directs the petitioner to implead Mr.V.V.Santharaman as respondent in this case.



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5. Post the matter after two weeks. Till then the authority is directed not to pass any orders in P.G.Case No.M/48/6/2017.

3.When the matter was taken up for hearing today, the learned Government Advocate on instructions submitted that the investigation is almost completed and that the final report will be filed within a period of four weeks.

4.The learned Central Government Standing Counsel appearing on behalf of the 2nd respondent submitted that the 2nd respondent is not able to pass orders in the pending case in view of the interim order passed by this Court on 27.01.2023 and further submitted that the 2nd respondent will comply with the directions issued by this Court.

5.Taking into consideration the submissions made on either side, it will suffice if a direction is issued to the 1st respondent to complete the investigation and file the final report before the concerned Court, within a period of six weeks from today. It is left open to the 2nd respondent to pass the orders in PG Case No.M/48/6/2017 after a period of six weeks on its own merits and in accordance with law.



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6.This Criminal original petition is disposed of with the above directions.

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

To

- 1.The Inspector of Police,
Central Crime Branch,
Team-XX, EDF-II,
Chennai.
- 2.Controlling Authority,
Under the Payment of Gratuity Act &
Assistant Labour Commissioner,
(Central) Chennai.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J.

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