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W.P.Nos.4773 and 4774 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.4773 and 4774 of 2017

And

W.M.P.Nos.4987, 4989 and 4990 of 2017

Associate Vice-President (HR)
Hexaware Technologies Limited ... Petitioner in W.P.4773/2017

Hexaware Technologies Limited
Rep. by its
The Associate Vice President (HR) ... Petitioner in W.P.4774/2017

Vs.

1.Anand Chellappa, MCA ... Respondent in the both W.Ps.

2.The Presiding Officer,
The II Additional Labour Court,
Chennai. ... Respondent in W.P.4773/2017

2.The Central Labour Commissioner, Chennai
(Appellate Authority under the Payment of Gratuity Act)
No.22, Haddows Road,
Sastri Bhavan,
Chennai – 600 006.

3.The Assistant Central Labour Commissioner, Chennai
(Controlling Authority under the Payment of Gratuity Act)
No.22, Haddows Road,
Sastri Bhavan,
Chennai – 600 006.



W.P.Nos.4773 and 4774 of 2017

4.The Tahsildar,
Thiruporur,
Kancheepuram District.

... Respondents in W.P.4774/2017

Prayer in W.P.No.4773 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the second respondent made in C.P.No.307 of 2015 dated 25.07.2016 and quash the same.

Prayer in W.P.No.4774 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the third respondent made in Gratuity Application No.3 of 2015 dated 07.04.2015 and to quash the same.

For Petitioner : Mr.P.V.Balasubramanian
Senior Counsel
for M/s.Kaavya Silambanan Associates
in both the W.Ps.

For Respondents : Mr.D.Abdullah for R1
R2 – Labour Court
in W.P.No.4773/2017

Mr.D.Abdullah for R1
Mr.J.Madanagopal Rao for R2 and R3
Mr.M.S.Prem Kumar for R4
Government Advocate
in W.P.No.4774/2017



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COMMON ORDER

W.P.No.4773 of 2017 has been filed seeking issuance of Writ of Certiorari to call for the records of the second respondent made in C.P.No.307 of 2015 dated 25.07.2016 and to quash the same.

2.W.P.No.4774 of 2017 has been filed seeking issuance of Writ of Certiorari to call for the records of the third respondent made in Gratuity Application No.3 of 2015 dated 07.04.2015 and to quash the same.

3.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

4.The case of the petitioner is that the first respondent filed C.P.No.1915 of 2009 before the II Additional Labour Court, Chennai claiming consolidated basic salary of Rs.15,000/- and the Labour Court passed award dated 16.04.2015 directing the petitioner to pay a sum of Rs.4,07,500/- for the period from 01.08.2008 to 05.11.2010. Aggrieved by the same, the petitioner filed W.P.No.25209 of 2015 and this Court vide order dated 14.08.2015 granted an order of ad interim



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stay subject to the condition that the petitioner without prejudice to its rights and contentions, shall deposit a sum of Rs.4,07,500/- to the credit of C.P.No.1915 of 2009 before the II Additional Labour Court, Chennai and the said writ petition is pending. Thereafter the first respondent again filed C.P.No.307 of 2015 before the second respondent seeking to compute the money value of the benefits due to him as Rs.17,62,122/- for the very same period and the same was allowed by the second respondent. Aggrieved by the same, the petitioner has filed W.P.No.4773 of 2017.

5.The learned Senior Counsel appearing for the petitioner submitted that the entire amount has been deposited before the Labour Court, however, the Labour Court allowing the claim petition filed by the first respondent for the very same relief is unsustainable one.

6.The learned counsel appearing for the first respondent fairly submitted out of the said Rs.17,62,122/-, the first respondent is not entitled for a sum of Rs.14,17,122/-, however, he is entitled for a sum of Rs.3,45,000/- for the balance amount of basic pay for the period from 01.08.2008 to 05.11.2010.



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7. In view of the fair submission made by the learned counsel appearing for the first respondent, the petitioner is permitted to withdraw a sum of Rs.14,17,122/- along with accrued interest and the first respondent is entitled to withdraw a sum of Rs.3,45,000/- along with accrued interest.

8. Without prejudice to the rights of the petitioner in the pending writ petition, the order of the second respondent made in C.P.No.307 of 2015 dated 25.07.2016 is set aside on the above terms and the second claim petition in C.P.No.307 of 2015 filed before the Labour Court is closed.

9. The learned Senior Counsel appearing for the petitioner submits that once this Court set aside the order passed in C.P.No.307 of 2015 dated 25.07.2016, the order passed by the third respondent in W.P.No.4774 of 2017 in Gratuity Application No.3 of 2015 dated 07.04.2015 automatically goes.

10. In view of the above, the impugned order in W.P.No.4774 of 2017 namely, the order in Gratuity Application No.3 of 2015 dated



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07.04.2015 is set aside.

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11.In fine, W.P.No.4773 of 2017 stands disposed of and W.P.No.4774 of 2017 is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

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

To

- 1.The Presiding Officer,
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Chennai.
- 2.The Central Labour Commissioner, Chennai
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- 4.The Tahsildar,
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M.DHANDAPANI,J.
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