



W.P.Nos.3532, 3566 and 3569 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.3532, 3566 and 3569 of 2019

and

W.M.P.Nos.3842, 3908 and 3911 of 2019

Express Publications (Madurai) Limited,
12/2, First Floor, Gokhale Road,
Tallakulam,
Madurai - 625 002.

... Petitioner
in all W.Ps

Vs.

1. The Deputy Chief Labour Commissioner (Central),
No.26, Haddows Road, Shastri Bhavan,
Chennai - 600 006.

2. The Controlling Authority,
Regional Labour Commissioner (Central),
Kanaga Apartments,
Suite No.III, I Floor,
13-A Lady Doak College Road,
Chinna Chokkikulam,
Madurai - 625 002.

... R1 and R2
in all W.Ps



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3. G.Pugazhendi

... R3 in W.P.No.3532 of 2018

4. R.Kesavan

... R3 in W.P.No.3566 of 2018

5. K.Muthukrishnan

... R3 in W.P.No.3569 of 2018

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the first respondent in his order dated 27.06.2018 in G.A.Nos.11, 12 and 13 of 2017 and quash the same.

For Petitioner
in both W.Ps : Mr.S.Vijayaraghavan

For Respondents
in both W.Ps : Mr.J.Sivakumar for R3

COMMON ORDER

The orders dated 27.06.2018 in G.A.Nos.11, 12 and 13 of 2017 passed by the first respondent are under challenge in these Writ Petitions.

2. The learned counsel appearing for the petitioner submits that the third respondent in respective Writ Petitions were working in the



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petitioner Establishment at Madurai and resigned from their job in the year 2011, 2012 and 2014 respectively. The respective third respondent refused to receive the gratuity amount paid by the petitioner Establishment and returned the same. Thereafter, the respective third respondent unilaterally fitted himself in a higher class under the Majithia Wage Board and claimed for a higher scale of pay and filed their claim for gratuity before the second respondent. The learned counsel further submits that before filing of the petitions, the petitioner Establishment deposited the entire amount and the same was also disbursed to the respective third respondent. However, the similar issue was pending before the authority concerned, i.e., Gratuity Appellate Authority and it would suffice, this Court may grant permission to the petitioner Establishment to canvass all those points once again before the authority concerned including the jurisdiction and classification in terms of the order passed by the Hon'ble Apex Court.

3. The learned counsel for the third respondent has no serious objection for such an order being passed by this Court.



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4. In view of the above facts and circumstances of the case that the entire claim amount awarded by the Original Authority was deposited before the Appellate Authority and the Appellate Authority also disbursed the same to the respective third respondent, nothing survives for adjudication. However, liberty is granted to the petitioner and the third respondent to canvass all those points including the grouping jurisdiction and classification before the authority concerned once again and thereafter, the authority concerned shall pass appropriate orders on merits and in accordance with law as expeditiously as possible.

5. Accordingly, these Writ Petitions are closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.09.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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To

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M.DHANDAPANI, J.

vji

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