



W.P.(MD)No.15294, 15462 and 15471 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.15294, 15462 and 15471 of 2019
W.M.P(MD).Nos.11850, 12108 and 12110 of 2019

The Director,
Gandhigram Institute of Rural Health and
Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul District.

... Petitioner in all petitions

Vs.

1.The Assistant Commissioner of Labour/
Controlling Authority under the
Payment of Gratuity Act, 1972,
Collectorate,
Dindigul.

...1st Respondent in all petitions

2.A.Joseph ...2nd Respondent in W.P(MD).No.15294 of 2019

3.M.Chandrasekaran ...2nd Respondent in W.P(MD).No.15462 of 2019

4.S.Gopal ...2nd Respondent in W.P(MD).No.15471 of 2019



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Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Prohibition, prohibiting the first respondent from hearing or in any manner dealing with the application in P.G.Case Nos.28, 154 and 277 of 2018 on the file of the first respondent namely the Assistant Commissioner of Labour, Dindigul.

In all cases

For Petitioner	: Mr.V.Karthikeyan for V.Vijay Shankar
For Respondents	: Mr.S.P.Maharajan Special Government Pleader for R1 Mr.G.Murugan for R2

COMMON ORDER

These Writ Petitions have been filed by the writ petitioner for a writ of prohibition, prohibiting the first respondent/Controlling Authority from hearing or in any manner dealing with the applications in P.G.Case.Nos.28, 154 and 277 of 2018 on the ground that the petitioner Trust is under the control of Central Government and any application lies only before the Commissioner of Labour, instead, the applications were



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filed before the first respondent under the Payment of Gratuity Act.

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2. However, the fact remains that the aggrieved employee for non-payment of gratuity amount is entitled to approach the Controlling Authority under the Payment of Gratuity Act. If at all the petitioner Trust is having any grievance, they have to canvass all the points before the Controlling Authority, namely, the first respondent. Without canvassing the points before the Controlling Authority, filing the writ petitions for prohibition under Article 226 of the Constitution of India is not sustainable one. Hence, the prayer sought for in the present writ petitions cannot be granted. However, the petitioner Trust is granted liberty to raise all the points before the first respondent, namely, the Controlling Authority including the jurisdiction point. If such issue is raised by the petitioner, the first respondent is directed to entertain the same and pass appropriate orders.



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3. Accordingly, these Writ Petitions are disposed of. No costs.

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Connected miscellaneous petitions are closed.

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ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To
The Assistant Commissioner of Labour/
Controlling Authority under the
Payment of Gratuity Act, 1972,
Collectorate,
Dindigul.



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M.DHANDAPANI,J.

ssb

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