



W.P.(MD)No.2481 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2481 of 2018

and

W.M.P(MD)No.2682 of 2018

The Management of Geethanjaly Mills Ltd.,
Sri Gomathipuram Post,
Sankarankoil, Tirunelveli District,
Rep. by its Managing Director,
P.R.Ramasubramania Raja

... Petitioner

Vs.

1.The Learned Controlling Authority,
Under Payment of Gratuity Act, 1972,
(Assistant Commissioner of Labour),
Office of the Deputy Commissioner of Labour,
Tirunelveli.

2.Sri.V.Kanagamani

3.The Management,
Sterling Yarns,
353, Ambalapuli Bazzar, Rajapalayam.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent herein in his proceedings in PG(M)No.1/2015 in P.G.No.28/2013, dated 24.06.2016 and consequential notice sent by the



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first respondent in his proceedings in B2/7589/2017, dated 11.10.2017 and quash the same and consequently, direct the first respondent herein to number the petitions filed by the petitioners and decide the same on merits after affording opportunity to the parties concerned and proceed the same in accordance with law.

For Petitioner : Mr.K.Hemakarthiskeyan
For R-1 : Mr.S.P.Maharajan,
Special Government Pleader
For R-2 : Mr.K.Vamanan
For R-3 : No Appearance

ORDER

This writ petition has been filed by the petitioner to quash the proceedings of the first respondent herein in his proceedings in PG(M)No.1/2015 in P.G.No.28/2013, dated 24.06.2016 and consequential notice sent by the first respondent in his proceedings in B2/7589/2017, dated 11.10.2017 and consequently, direct the first respondent herein to number the petitions filed by the petitioner and decide the same on merits after affording opportunity to the parties concerned and proceed with the same in accordance with law.



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2. The case of the petitioner is that the petitioner Spinning Mill is running in Tirunelveli District. As the petitioner Mill was facing worst financial crisis, they are not able to pay the earned wages for the workmen and in every month, with great difficulty, the wages were belatedly paid. While the matter stood thus, the second respondent resigned his job way back in the year 2009 and made an application before the first respondent claiming payment of gratuity for the services rendered by him, along with an application for condoning the delay. The said condone delay application was allowed by the first respondent and as against the same, the petitioner has filed an appeal which ended in failure. Subsequently, the first respondent has taken the main case on file in P.G.(MD)No.1 of 2015 in P.G.No.28 of 2013 and posted for hearing on 25.04.2016. However, due to ill-health, the petitioner could not appear for hearing and hence, the first respondent passed an ex-parte order on 25.04.2016, directing the petitioner and the third respondent to pay the gratuity to the second respondent. Thereafter, the petitioner filed an application to set aside the ex-parte order, dated 25.04.2016 along with condone delay application. However, even without numbering the condone delay petition and restoration petition, the first respondent has



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issued the impugned notice in his proceedings in B2/7589/2017, dated 11.10.2017 for revenue recovery action. Challenging the same, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner, on instructions, would submit that in order to give quietus to the issue, the petitioner is ready to pay a sum of Rs.50,000/- as One Time Settlement to the petitioner.

4. The learned counsel appearing for the second respondent, on instructions, would submit that the second respondent is ready to receive a sum of Rs.50,000/- as One Time Settlement.

5. In view of the consent view expressed by the parties, this Court directs the petitioner to pay a sum of Rs.50,000/-(Rupees Fifty Thousand Only) as a full and final settlement to the second respondent, within a period of four weeks from the date of receipt of a copy of this order.



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6. This writ petition is disposed of in the above terms. No Costs.

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Consequently, connected miscellaneous petition is closed.

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PM

NCC:Yes/No

Index:Yes/No

To

The Learned Controlling Authority,
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Office of the Deputy Commissioner of Labour,
Tirunelveli.



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M.DHANDAPANI, J.

pm

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