



W.P.(MD)Nos.4401 of 2018 etc. batch

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.4401 to 4405 of 2018

and

**W.M.P.(MD).Nos.4502, 4503, 4496, 4500, 4498, 4495, 4497, 4499 and
4501 of 2018**

W.P.(MD)No.4401 of 2018

The Management,
Madura Coats,
New Jail Road,
Madurai 625 001.
represented through its Group Industrial
Relation Manager.

... Petitioner

Vs.

1.The Controlling Authority
under Payment of Gratuity Act,
Bharathi Ula Street,
Near Lotus Tank,
Madurai 625 002.

2.The Management,
Vikas School,
New Jail Road,
Madurai 625 001.



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3.R.Thirumalairajan

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the first respondent culminating in common order dated 28.12.2017 in P.G. 254 of 2016 and quash the same.

For Petitioner : Mr.T.Ravichandran
For R2 : Mr.S.Anand Chandrasekar
for M/s. Sarvabhauman Associates
For R1 and R3 : No appearance

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.



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2. The petitioner Management has filed these writ petitions challenging the common order passed by the first respondent in P.G.252 to 255 and 345 of 2016, dated 28.12.2017.

3. The learned counsel appearing for the petitioner Management would submit that though the petitioner Management paid the gratuity amount at the time when the private respondents are working in the petitioner Management, the petitioner Management was transferred to second respondent Management. Further, the private respondents are not entitled to receive the gratuity amount from the petitioner Management, when they are not in employment under the control of petitioner Management. Though the appeal remedy is available as against the order passed by the gratuity authority, there was a pre-condition to deposit the entire amount. Hence, the petitioner Management has filed these writ petitions.



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4. The learned counsel appearing for the second respondent would submit that as against the order passed by the gratuity authority, the first respondent herein, there is an effective appeal remedy available before the appellate authority, in terms of Section 7(4) of the Payment of Gratuity Act. Without exhausting the appeal remedy, the petitioner Management has filed these writ petitions.

5. In view of the above, these Writ Petitions are disposed of, giving liberty to the petitioner Management to file an appeal before the appellate authority, within a period of four weeks from the date of receipt of a copy of this order and if such appeal is filed, the appellate authority is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording opportunity to the petitioner as well as the private respondents as expeditiously as possible. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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M.DHANDAPANI,J.

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