



W.P.(MD)No.7751 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7751 of 2018

and

W.M.P(MD)Nos.7364 & 7365 of 2018

The Primary Agriculture Cooperative Society,

Rep. by its Secretary,

Paacode Melpuram,

Kanyakumari District.

... Petitioner

Vs.

1.The Deputy Commissioner of Labour,

Tirunelveli,

Tirunelveli District.

2.C.Devadhasan

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned order in P.G.No.83 of 2016 on the file of the first respondent dated 22.12.2017 and quash the same .

For Petitioner : Mr.R.Manimaran

For Respondents : Mr.G.V.Vairam Santhosh - for R1
Additional Government Pleader
Mr.M.Gnanagurunathan - for R2

ORDER

This writ petition has been filed to quash the impugned order in P.G.No.83 of 2016 on the file of the first respondent, dated 22.12.2017.

2. The learned counsel for the petitioner submitted that the petitioner filed this writ petition challenging the impugned order passed by the Original Authority in P.G.No.83 of 2016 dated 22.12.2017. As against the order passed by the Original Authority, there is an effective appeal



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remedy available before the Appellate Authority in terms of 7(4) of the Payment of Gratuity Act.

3. The learned Additional Government Pleader appearing for the second respondent has submitted that the petitioner, without exhausting the appeal remedy, has straightaway approached this Court and therefore, this writ petition is not maintainable.

4. The learned counsel for the petitioner has submitted that in this writ petition, though the petitioner has sought for a larger relief, he now wants to approach the concerned appellate authority by way of appeal, to challenge the order impugned herein.

5. In view of the above submission, this writ petition is disposed of, permitting the petitioner 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 any such appeal is being filed, the Appellate Authority shall entertain the same without raising any objection with regard to limitation and pass



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orders on merits and in accordance with law within a period of twelve weeks thereafter, after affording an opportunity of hearing to the petitioner.

No costs. Consequently, connected miscellaneous petitions are closed.

15.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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M.DHANDAPANI, J.

RM

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