



W.P(MD)No.28579 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28579 of 2023

and

W.M.P(MD)No.24628 of 2023

K.V.90, Karungal Primary Agricultural
Co-operative Credit Society,
Represented by its President,
Karungal-Post,
Killiyoor Taluk,
Kanyakumari District-629 501.

... Petitioner

Vs.

1.The Deputy Commissioner of Labour,
(Authority under Gratuity Act)
Office of the Joint Commissioner of Labour,
Thirumal Nagar, Perumalpuram-Post,
Aanaiyarkulam Extension,
Tirunelveli District-627 007.

2.M.Thangam

3.Manager,
Group Gratuity and Pension Plans,
L.I.C of India,
Divisional Office,
Palayamkottai, Tirunelveli,
Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order, dated 06.10.2023 passed by the first respondent in P.G.No.217 of 2022 and quash the same as illegal.

For Petitioner : Mr.V.H.S.Prathap
For R-1 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed by a Primary Agricultural Co-operative Credit Society challenging the order passed by the Deputy Commissioner of Labour / Authority under the payment of Gratuity Act.

2. The petitioner herein was arrayed as the first respondent in P.G.No.217 of 2022 and an award came to be passed on 06.10.2023 directing the first respondent herein to pay a sum of Rs.6,09,265/- as Gratuity to the petitioner therein. Challenging the said order, the present writ petition has been filed.

3. As per Section 7(7) of the Payment of Gratuity Act, 1972, any person aggrieved over the order of the controlling authority can file an appeal before the Appellate Authority within a period of 60 days from the date of receipt of a



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copy of the order. When there is a statutory appeal remedy available to the writ petitioner, the present writ petition is not maintainable. However, the petitioner is at liberty to file an appeal.

4. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

05.12.2023

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

To

1.The Deputy Commissioner of Labour,
(Authority under Gratuity Act)
Office of the Joint Commissioner of Labour,
Thirumal Nagar, Perumalpuram-Post,
Aanaiyarkulam Extension,
Tirunelveli District-627 007.

2.The Manager,
Group Gratuity and Pension Plans,
L.I.C of India,
Divisional Office,
Palayamkottai, Tirunelveli,
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R.VIJAYAKUMAR, J.

BTR

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