



WP No. 10617 / 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.01.2024

CORAM :

THE HONOURABLE DR. JUSTICE D. NAGARJUN

Writ Petition No. 10617 of 2015
and
M.P. No. 1 of 2015

The Management of Jeevan Sree Estate
Eatty Moola, Gudalore,
The Nilgiris,
Rep., by its Proprietor,
Mr. Sreeram

...Petitioner

Versus

1. The Joint Commissioner of Labour and
The Appellate Authority,
Under the Payment of Gratuity Act,
Coimbatore.
2. Tmt. Subathira,
C/o. Plantation Labour Association, (AITUC Ooty,
Mysore Road, Gudalur,
The Nilgiris – 643 212.
3. Smt. Kamala,
C/o. Plantation Labour Association,
(AITUC) Ooty,
Mysore Road, Gudalur,
The Nilgiris – 643 212.



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4. Thiru Maheswaran,
C/o. Plantation Labour Association,
(AITUC) Ooty,
Mysore Road, Gudalur,
The Nilgiris – 643 212.

5. Smt. Maruthayi,
C/o. Plantation labour Association,
(AITUC) Ooty,
Mysore Road, Gudalur,
The Nilgiris – 643 212.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the entire records pursuant to the order dated 12.01.2015 in unnumbered I.A. No. Nil of 2015 in AGA No. 227 of 2014 on the file of the first respondent, quash the same, consequently permit the petitioner to produce additional evidence by filling the additional documents.

For Petitioner : Mr. A. Deivasigamani for
M/s. G.B. Saravana Bhavan.

For Respondents : Mr. P. Gurunathan,
Additional Government Pleader for R1.

Mr. M. Prabhakaran for R2 to R8.

ORDER

This writ petition has been filed seeking for issuance of certiorarified mandamus calling for the records in respect of the order



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passed in I.A. No. Nil of 2015 in AGA No. 227 of 2014 dated 12.01.2015

by virtue of which the trial Court has declined to receive additional documents in the appeal.

2. When the matter came up for hearing on 03.01.2024, parties were directed to ascertain whether the AGA No. 227 of 2014 is still pending before the appellate authority. Today, the learned counsel for the petitioner submits that the AGA was disposed on 25.05.2015 and aggrieved by the same, the learned counsel for the petitioner stated to have filed a writ petition in W.P. No. 21325 of 2015 and the same is still pending.

3. Once the main AGA itself is disposed of, this petition challenging the orders passed in I.A., in AGA becomes infructuous. Learned counsel for the petitioner requested this Court to keep this petition pending until the said writ petition filed against the AGA is disposed of. This Court is of the opinion that there is no point in keeping this petition pending as the very purpose for which this petition has been filed has already become infructuous.



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4. Accordingly, this writ petition is disposed of as the cause does not survive any more. The petitioner is at liberty to approach this Court challenging the order passed in I.A., in case if the petitioner succeeds in the said writ petition in W.P. No. 21325 of 2015. No costs. Consequently the connected Miscellaneous petition is closed.

08.01.2024

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Joint Commissioner of Labour and
The Appellate Authority,
Under the Payment of Gratuity Act,
Coimbatore.



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DR. D. NAGARJUN, J

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and
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