



WEB COPY



W.P.No.31181 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.31181 of 2014
and M.P.No.2 of 2014

The Management,
Tamilnadu Khadi & Village Industries Board,
Dyeing, Bleaching, Printing Unit,
Bhavanisagar,
Erode District.

... Petitioner

Vs.

1. Rajamani
2. Mathammal
3. Maheswari

4. The Assistant Commissioner of Labour,
Controlling Authority under the
Payment of Gratuity Act, 1972
Office of the Deputy Commissioner,
of Labour – Salem.

5. The Joint Commissioner of Labour
Appellate Authority under the
Payment of Gratuity Act, 1972,
Coimbatore.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution
of India for issuance of Writ of Certiorari to call for the records in PG case



W.P.No.31181 of 2014

Nos.8/12, 9/12 & 10/2 dated 17.09.2012 in AGA 109 of 2013 dated 06.08.2014 on the file of the 4th and 5th respondents respectively and quash the same as illegal.

For Petitioner : Mr.S.K.Bose

For Respondents : Mr.K.Shanmuganathan for R1 to R3

ORDER

Heard Mr.S.K.Bose, the learned counsel for the petitioner and Mr.K.Shanmuganathan, the learned counsel for the respondents 1 to 3.

2. The petitioner management has filed this writ petition on the sole ground that in the 12 (3) settlement which was the basis for the impugned orders passed by the appropriate authority and the appellate authority nothing is mentioned about the variable Dearness Allowance but the authorities concerned have allowed the same.

3. Mr.K.V.Shanmuganathan, the learned counsel for the respondents 1 to 3, submitted that the above issue has already been dealt by the Division Bench of this Court in W.A.No.2603/2002 and it is no more a *res integra*.

4. On perusal of the order dated 09.01.2008 made in



W.P.No.31181 of 2014

W.A.No.2603/2002 it is seen that the Division Bench has held that the settlement dated 01.07.1992 did not alter Clause 3 of the previous settlement dated 29.04.1988 and hence the workers are entitled for the variable D.A. Both the appropriate authority and the appellate authority have relied on the above findings of the Division Bench and proceeded to allow the claim. As the orders are categorically clear and the ground now raised by the petitioner has already been answered in W.A.No.2603 of 2002 dated 09.01.2008 and the same is operative and enforceable, I feel the ground raised by the petitioner is not maintainable.

5. In view of the above stated reasons, the writ petition is dismissed.

No costs. Connected miscellaneous petition is closed.

09.09.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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W.P.No.31181 of 2014

R.N.MANJULA, J.

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To:

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of Labour – Salem.
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