



WEB COPY



W.P.No.19063 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.No.19063 of 2024

E.Kannikai

... Petitioner

Vs.

1.The Additional Commissioner of Labour (The Appellate
Authority under the Payment of Gratuity Act 1972
DMS Compound, Chennai 600 006.

2.The Deputy Commissioner of Labour
O/o.Joint Commissioner of Labour-II
DMS Compound, Chennai 600 006.

3.The Management of
Maduranthagam Co-operative Sugar Mills
Padalam, Rep.by its Managing Director
Padalam, Chengalpattu District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent made in PG.No.31/2022 dated 07.09.2023 and quash the same in respect of the petitioner E.Kannikai and consequently direct the first



W.P.No.19063 of 2024

respondent to modify the said order and include the correct total amount of Rs.2,20,920/- of PG claim amount in favour of the petitioner and to deposit the said amount along with 10% by the third respondent.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.R.U.Dinesh Rajkumar
for R1 & R2
Additional Government Pleader
Mr.M.Shahjahan for R3
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for Certiorarified Mandamus, to quash the orders of the first respondent Appellate Authority made in PG 31/2022 dated 07.09.2023 and consequently direct the first respondent to modify the said order.

2. The petitioner was employed in the respondent Mill as a pump attendar in the boiler house department and he was retired from the service in the month of April 2017, after completion of 28 years of service. As the respondent Management has not settled the gratuity amount, he filed a



W.P.No.19063 of 2024

direction petitioner under Form-N before the Controlling Authority on 22.10.2018, which was dismissed by way of an order dated 14.12.2020 in PG case No.18/2020.

3. The petitioner and other similarly placed persons have preferred an appeal before the Appellate Authority and payment of gratuity order and said petitions were allowed in respect of the claims made by 9 employees in PGA.No.29/2022 to PGA.No.37/2022 including PGA filed by the petitioner in PGA.No.31 of 2022.

4. On verifying the orders passed by the first respondent/Appellate Authority in common order in PGA.No.29 of 2022 and batch including the appeal filed by the petitioner in PGA.No.31 of 2022, it is found insofar as the petitioner is concerned that at para No.9 of the order, the total gratuity amount to be paid to the petitioner is Rs.2,64,180/-, out of which, the petitioner was already paid a sum of Rs.2,20,920/- thereby the petitioner is entitled to only a sum of Rs.43,260/-.



W.P.No.19063 of 2024

5. It is submitted by the learned counsel for the petitioner that

there is a typographical error in the impugned order of the first respondent/Appellate Authority, according to which the petitioner has already received a sum of Rs.2,20,920/-, and that same is factually incorrect, since in the counter filed by the respondent before the Appellate Authority, it is mentioned that the petitioner has received only Rs.84,955/-.

6. On perusal of the said counter affidavit, it is clear that according to the respondent, the petitioner was paid a sum of Rs.84,955/- and not Rs.2,20,920/- as mentioned in the impugned order of the first respondent Appellate Authority.

7. The petitioner counsel submits that he has approached the first respondent/Appellate Authority to correct the typographical error in the impugned order in respect of the quantum of gratuity amount received by the petitioner. However, according to petitioner counsel he has orally requested the Appellate Authority to correct the error but same was declined.



W.P.No.19063 of 2024

8. This Court in the writ petition filed under Article 226 of the Constitution of India, cannot undertake that the exercise of correcting the typographical error in the impugned orders passed by the first respondent/Appellate Authority. The petitioner is expected to approach the first respondent/Appellate Authority by filing appropriate application for correction of the orders in respect of the quantum of gratuity amount received by the petitioner.

9. Considering the submissions made by the petitioner, the learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned Special Government Pleader appearing for the third respondent, this Court is inclined to give liberty to the petitioner to approach the first respondent/Appellate Authority and file appropriate application for correction in respect of the quantum of gratuity amount received by the petitioner in the impugned order.

10. Accordingly, this Writ Petition is disposed of giving liberty to the petitioner to approach the first respondent/Appellate Authority and file



W.P.No.19063 of 2024

appropriate application for making correction of alleged error in respect of the quantum of gratuity amount received by petitioner. On filing of such application, the first respondent/Appellate Authority is directed to hear both the parties and dispose of the same by following due process as quickly as possible not later than within a period of eight weeks from the date of receipt of a copy of this order. No costs.

24.07.2024

Index : Yes / No
Internet : Yes / No
dna



WEB COPY



W.P.No.19063 of 2024

To

- 1.The Additional Commissioner of Labour (The Appellate Authority under the Payment of Gratuity Act 1972
DMS Compound, Chennai 600 006.
- 2.The Deputy Commissioner of Labour
O/o. Joint Commissioner of Labour-II
DMS Compound, Chennai 600 006.
- 3.The Management of
Maduranthagam Co-operative Sugar Mills
Padalam, Rep.by its Managing Director
Padalam, Chengalpattu District.



WEB COPY



W.P.No.19063 of 2024

Dr.D.NAGARJUN, J.

dna

W.P.No.19063 of 2024

24.07.2024