



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.31571, 31630, 31654, 31712 & 31714 of 2024 and
W.M.P.Nos.34314, 34315, 34453, 34455, 34386,
34387, 34414, 34415, 34454 & 34456 of 2024

W.P.No.31571 of 2024

The Administrative Officer,
Heavy Water Plant, Tuticorin,
Department of Atomic Energy,
HWP Colony,
Tuticorin 628 007.

... Petitioner

Vs.

1. Shri P. Nallan,
Ex-Technician / C,
5/5 Municipal Colony,
Melapalayam Post, Tirunelveli.
2. The Regional Labour,
Commissioner (Central) Madurai,
Kanga Apartments,
Suit No.III, 1st Floor,
13-A, Lady Doak College Road,
Chinna Chokkikulam, Madurai 625 002.
3. Dy. Chief Labour Commissioner,
(Central), 5th Floor,
Shastri Bhavan,
Chennai 600 006.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the common order dated 31.03.2021 in the petitioner's appeal in P.G.A.22 of 2019 passed by the third respondent, the Deputy Chief Labour Commissioner (Central), Chennai in GA Nos.9 to 12, 15 to 68, 70 to 86, 111 to 145 of 2019 and in GA Nos.15 to 25 and 28 to 72 of 2020 and quash the same.

For Petitioner : Mr.S.Janarthanam

For Respondents : Mr.S.Diwakar, SPC for R2 & R3

COMMON ORDER

These Writ Petitions have been filed challenging the order dated 31.03.2021 passed by the third respondent Appellate Authority under the Payment of Gratuity Act.

2. Heard Mr.S.Janarthanam, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Panel Counsel for the respondents 2 and 3 in all the Writ Petitions and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the impugned order has already been set aside in view of the order passed by the Division Bench of this Court in W.A.Nos.1687 of 2021 etc. batch along with



W.P.Nos.19117 of 2022 etc. batch. In fact, the impugned order is the subject of challenge in the batch of Writ Petitions filed and tagged along with the Writ Appeals dealt by the Division Bench and in consequent thereof, an order has been passed on 21.06.2023 by setting aside the order dated 31.03.2021.

4. While passing the order, the Division Bench has given the following relief in Paragraph Nos.14,15,16 and 17, which are extracted hereunder.

"14. Therefore, we are of the view that the order of the learned Single Judge confirming the order of the Appellate Authority, who has confirmed the order of the Controlling Authority is set aside and the writ appeals are allowed.

15. Insofar as writ petitions are concerned, the common order of the Appellate Authority dated 31.03.2021 confirming the order of the Controlling Authority is set aside and the writ petitions are allowed. No costs.

16. It is brought to the notice of this Court that pursuant to the orders of the Controlling Authority concerned in the writ appeals and writ petitions, the difference of gratuity amounts have been deposited before the respective authorities as it is a condition precedent



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before preferring appeals before the Appellate Authority concerned in the writ appeals and writ petitions. Some of the employees concerned in the writ appeals have already withdrawn their respective amounts and the employees concerned in the writ petitions are yet to withdraw. We make it very clear that the employees who had already withdrawn the amounts need not return the money and that the appellant/writ petitioner Management cannot demand for refund of the said amounts. The amounts, which are lying in deposit together with accrued interest shall be returned to the appellant/writ petitioner Management within a period of four months from the date of receipt of a copy of this order. Connected miscellaneous petitions are closed."

5. So the impugned order dated 31.03.2021 has already been quashed and a direction has been given to return the amount lying in the deposit to the petitioner together with an accrued interest. In such case, the same relief is extended to the petitioner herein also.

6. Accordingly, these Writ Petitions are disposed and the amount which are lying in deposit together with accrued interest shall be returned to the petitioner Management within a period of four months from the date of



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receipt of a copy of this order. In case the authorities insist for filing a separate Writ Petition by challenging the very same order which has already been set aside, it is upon to the Management to initiate the contempt petition instead of filing separate Writ Petitions. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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