



WEB COPY

W.P.No.24659 of 2024
and W.M.P.Nos.26981 & 26982 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24659 of 2024
and W.M.P.Nos.26981 & 26982 of 2024

Annamalai University,
Rep. by its Registrar,
Annamalai Nagar,
Chidambaram - 608 002.
Cuddalore.

...

Petitioner

versus

1.The Additional Commissioner of Labour,
Chennai.

2.The Deputy Commissioner of Labour,
Joint Commissioner of Labour - II Office,
Chennai.

3.S.Dhanasekaran

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the order of the first respondent made in P.G.A.No.46 of 2023 etc., batch dated 22.09.2023 and quash the same.

For Petitioner : M/s.S.Sithirai Anandam

For Respondent Nos.1 & 2 : Ms.M.Jayanthy
Additional Government Pleader



For Respondent No.3 : Mr.V.Ajoy Khose

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ORDER

The Writ Petition has been filed challenging the order of the first respondent made in P.G.A.No.46 of 2023 etc. batch dated 22.09.2023.

2. Heard M/s.S.Sithirai Anandam, learned counsel for the petitioner and Ms.M.Jayanthi, learned Additional Government Pleader for the respondents 1 and 2 and perused the materials available on record.

3. The third respondent has filed P.G.Case No.21 of 2021 before the second respondent for claiming his retirement benefits, including the gratuity payable to him and the same was allowed on 08.03.2021. However, the petitioner's University has challenged the same by way of preferring W.P.No.20412 of 2021 etc. batch, which is inclusive of the third respondent's payment of gratuity order. But the said batch of writ petitions have been disposed on the observation that the petitioner, without exhausting the alternative remedy of filing an appeal, has filed the writ petition. Subsequent to that, the petitioner preferred an appeal before the



appropriate authority and the appeal was also dismissed by confirming the order of the second respondent.

4. M/s.S.Sithirai Anandam, learned counsel for the petitioner submitted that the petitioner is not able to disburse the terminal benefits as allowed by the respondents 1 and 2, in view of the audit objections already raised in this regard.

5. In fact, the very purpose of filing the Payment of Gratuity Petition by the individuals is only due to the local fund audit objections raised in this regard. It has been dealt with by the second respondent in his order dated 08.03.2021 that the audit objection has been raised in accordance with G.O.(Ms)No.402, Higher Education (H2) Department, dated 13.12.2006 which intended to bring uniformity in the service condition of all University employees on par with the Government servants. In fact, the matter has been challenged as early as in the year 2007 itself in W.P.No.49 of 2007 and an order has been passed on 04.04.2012 by quashing the above Government Order in G.O.(Ms)No.402, Higher Education (H2) Department, dated 13.12.2006.



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6. However, it is learnt that in pursuance to the orders passed, the matter is said to be under the consideration of the Government. In such case, the petitioner is at liberty to bring it to the notice of the Government about the earlier Government Order passed in this regard and the judicial pronouncements made for setting aside the same and see the objections are removed and processed further.

7. With the above observation, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petitions are closed.

28.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

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R.N.MANJULA, J.

sri

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