



WEB COPY



W.P.No.28269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.28269 of 2024 and
W.M.P.No.30810 of 2024

The Managing Director,
Rifah Shoes Private Limited,
No.221/865, Flat "A" BSR Elysium,
Poonamallee High Road,
Kilpauk, Chennai 600 010

... Petitioner

Vs.

1.M.Ahamed Basha

2.The Deputy Commissioner of Labour-1,
Teynampet, Chennai 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the Award dated 26.06.2024, passed by the second respondent, the Deputy Commissioner of Labour-1, Chennai 600 006 in P.G.No.4 of 2021 and quash the same.

For Petitioner : Mr.T.Magendiran

For Respondents : Mrs.M.Jayanthi, AGP, for R2



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ORDER

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This Writ Petition has been filed to issue a Writ of Certiorari, to call for the Award dated 26.06.2024, passed by the second respondent, the Deputy Commissioner of Labour-1, Chennai 600 006 in P.G.No.4 of 2021 and quash the same.

2. Heard Mr.T.Magendiran, learned counsel for the petitioner and Mrs.M.Jayanthi, learned Additional Government Pleader for the second respondent and perused the materials available on record.

3. The learned counsel for the petitioner Management submitted that the first respondent was the Director of the Company and even for that he has been paid with Rs.15,000/- per month as salary. But those facts were not properly appreciated by the appropriate authority / second respondent while allowing the petition to get the entitlement of gratuity. The further contention is that the salary of the first respondent has been considered as Rs.35,000/- per month by the second respondent. However, the first respondent did not produce any salary slip to show the same.



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4. The very contention of the first respondent is that he was working as a Purchasing Manager. The petitioner's argument that the first respondent was working as a Director, was not accepted by the second respondent. Even in the list of documents produced by the petitioner, nothing has been produced to show that the first respondent has been appointed as a Director of the Company. While so, it is unreasonable to expect the second respondent to consider the first respondent as the Director of the Company.

5. With regard to the monthly wages of Rs.35,000/-, alleged to have been drawn by the first respondent, it is stated that the petitioner Management did not produce any document to show that the first respondent did not earn Rs.35,000/- but any wages less than that. In the absence of any material documents from the side of the petitioner Management, the second respondent authority has appreciated the evidence adduced on the side of the first respondent and arrived at a conclusion that the first respondent was working as a Purchasing



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Manager and he was getting Rs.35,000/- as a last drawn salary, for which he is entitled to gratuity. Though the petitioner tried to make out certain grounds to assail the above said order, it does not accompany with any materials to substantiate the same. Hence, I find no grounds to interfere with the order passed by the second respondent.

6. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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To
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The Deputy Commissioner of Labour-1,
Teynampet,
Chennai 600 006.



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R.N.MANJULA, J.

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