



W.P.(MD) No.364 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.364 of 2021

Boat Building Center
Kottar Social Service union division
Muttam & P.O
Kanniyakumari District
rep by its Executive Director

... Petitioner

Vs.

1.Assistant Commissioner of Labour,
The Controlling Authority under the
Payment of Gratuity Act, 1972
Tirunelveli

2.T.Subramanian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for records relating to the impugned order passed by the 1st respondent in I.A.No.466 of 2016 in P.G. No.63 of 2018 dated 30.1.2020 and quash the same as illegal.



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For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.R.Venkatesan for R2

No appearance for R1

ORDER

This Writ Petition has been filed seeking a Writ of Certiorari to call for records relating to the order dated 30.01.2020, passed in I.A.No.466 of 2016 in P.G.No.63 of 2018 passed by the 1st respondent herein permitting the 2nd respondent to bring on record certain additional documents in support of his claim for payment of gratuity. It is the contention of the learned counsel for the petitioner that though there was a series of litigation between the parties, the 2nd respondent never placed these documents in any of the other proceedings so far, but for the first time, he is trying to introduce the documents in the proceedings pending before the 1st respondent and also further contented that the said documents are sought to be brought on record belatedly. Therefore, the impugned order permitting filing of such documents at the belated stage cannot be sustained.



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2. This Court having thoroughly considered the submissions made by the learned counsel for the petitioner is unable to accept such contentions as the very payment of Gratuity Act is a beneficial legislation enacted for the welfare of the employees the technicalities, and the hyper technicalities should not come in the way of considering the claims for payment of the benefits that are due and payable to the employees/workmen under the provisions of payment of Gratuity Act, 1972. There is no bar to produce the documents for the first time, even though the said documents were not produced in the previous proceedings between the parties, nor there is any time limit that is prescribed for producing the documents in support of the claim of the 2nd respondent.

3. In view of the same, this court does not find any error or illegality in the impugned order and hence this court is not inclined to interfere with the impugned order. However, considering the request of the learned counsel for the petitioner to afford an opportunity to the petitioner herein to place objections about the admission of documents and opportunity of cross examination of the 2nd respondent during the course of recording of



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the evidence, the court is of the view that the petitioner is legally entitled to take all the pleas that are available to him under law, including right to cross examine, in the event of the 2nd respondent, examining himself or any other witnesses on his behalf. This court hope and trust that the 1st respondent while dealing with the matter on merits would afford all such opportunities strictly in accordance with law to the petitioner.

In view of the above said observations, the writ petition is dismissed. No costs.

22.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
kpr

To

The Assistant Commissioner of Labour,
The Controlling Authority under the
Payment of Gratuity Act, 1972
Tirunelveli



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MUMMINENI SUDHEER KUMAR, J.

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