



WP(MD) No.16676 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16676 of 2024

and

W.M.P(MD)No.14437 & 14439 of 2024

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Virudhunagar.

... Petitioner

Vs.

1. The Joint Commissioner of Labour,
Madurai.

2. The Deputy Commissioner of Labour,
Madurai.

3. R.Lakshmanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the



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records relating to the impugned order passed by the 1st respondent in PGA No.05/2023 dated 01.08.2023 by confirming the order of 2nd respondent in PG 35/2021 dated 30.06.2022 and quash the same as illegal.

For Petitioner : Mrs.S.Devasena

For Respondents : Mr.J.Ashok – for R1 & R2

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Certiorari, to quash the impugned order, dated 01.08.2023 of the 1st respondent by confirming the order of 2nd respondent dated 30.06.2022.

2. Heard Mrs.S.Devasena, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 and 2.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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4. Mrs.S.Devasana, learned counsel for the petitioner submitted that the third respondent has filed a PG Payment of gratuity petition before the appropriate authority, the second respondent herein, against the petitioner for releasing his gratuity. The said petition has been allowed on 30.06.2022. Challenging the same, an appeal was filed by the Management and the same was also dismissed by confirming the order of the appellate authority on 01.08.2023.

5. Now, Mrs.S.Devasana, learned counsel for the petitioner submitted that both the appropriate authority as well as the appellate authority did not consider the fact that the third respondent was given with the gratuity even for the period during which he was under temporary service as a seasonal employee.

6. However, it is seen from the orders of the appropriate authority and the appellate authority that the very same arguments which was raised by the Management in the earlier Writ Petition in W.P.4371 of 1998 and in which an order has been passed on 30.07.2008 by holding that the petitioner's establishment is not a seasonal



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establishment. When the establishment itself is not a seasonal one, it cannot be construed that employees of the said establishment are seasonal employees. Since both the appropriate and the appellate authority have dealt with the above submission of the petitioner on merits, I find no reasons to interfere with the orders.

7. In view of the above stated reasons, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.16676 of 2024

24.07.2024