



W.P.(MD)No.5898 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.5898 of 2019 &
W.M.P.(MD)No.4723 of 2019

Tamil Nadu Co-operative Marketing Federation Ltd.,
(Management),
Rep. by its Deputy Registrar / Secretary
No.91, St.Mary's Road,
Chennai - 18.

...Petitioner

vs.

1.The Assistant Commissioner of Labour,
Controlling Authority for payment of Gratuity,
Madurai.

2.V.Jeyaraj

...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 impugned order in P.G.No.235/2015 dated 28.09.2017 passed by the first respondent and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Mr.S.Vinayak



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For Respondents : Mr.P.Thambidurai,
Government Advocate for R1
Mr.S.Arunachalam for R2
O R D E R

The petitioner has filed this writ petition challenging the order of the Assistant Commissioner of Labour, Controlling Authority for Payment of Gratuity, Madurai dated 28.09.2017.

2. However, since appeal remedy is available, the learned counsel appearing for the petitioner seeks permission of this Court to permit the petitioner to file a statutory appeal before the Additional Commissioner of Labour in accordance with law.

3. The learned counsel appearing for the second respondent would submit that though the petitioner has filed this petition for a larger relief, since now he is confining his relief and seeking permission to file appeal before the Appellate Authority, his request may be considered.

4. Considering the submissions made on both sides, this Writ Petition is disposed of by granting liberty to the petitioner to file an



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appeal before the Additional Commissioner of Labour under the Payment of Gratuity Act. The Additional Commissioner of Labour, Madurai shall take the appeal to be filed by the petitioner on file, if it is otherwise in order, without insisting on the issue of limitation. No costs. Consequently, connected Miscellaneous Petition is closed.

14.11.2024

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

- 1.The Assistant Commissioner of Labour,
Controlling Authority for payment of Gratuity,
Madurai.
- 2.The Additional Commissioner of Labour,
Madurai.



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KRISHNAN RAMASAMY, J.

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