



W.P.(MD)No.17580 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.17580 of 2024

G.Sureshmani

... Petitioner

Vs.

1.The Controlling Authority under
Payment of Gratuity Act,
(Deputy Commissioner of Labour),
Office of the Joint Commissioner of Labour,
Collector Office Complex,
Dindigul.

2.The Management,
Gandhigram Institute of Rural Health,
and Family Welfare Trust,
Gandhigram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records culminating in the impugned order dated 28.03.2024 in P.G.No.80 of 2023, passed by the first respondent, quash the same and direct the first respondent to conduct enquiry and decide the amount of gratuity payable.

For Petitioner : Mr.G.M.Xavier

For R-1 : Mr.J.Ashok,
Additional Government Pleader



WEB COPY



W.P.(MD)No.17580 of 2024

For R-2

: Mr.V.Karthikeyan,
for Mr.V.Vijay Shankar

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.G.M.Xavier, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the first respondent and Mr.V.Karthikeyan, learned counsel appearing for the second respondent.

3. The petitioner has filed this Writ Petition challenging the order of the first respondent dated 28.03.2024. The petitioner is a contractual employee under the second respondent. He has filed an application before the second respondent on 08.06.2023 under Section 7 (4)(B) of the Gratuity Act, 1972 for disbursing the gratuity payable to her.

4. When the said proceedings was pending, the first respondent passed an order, dated 28.03.2024, observing that since the petitioner had already filed a



W.P.(MD)No.17580 of 2024

Writ Petition before this Court in W.P.(MD).No.7552 of 2023 for disbursing the gratuity and retirement benefits, the proceedings cannot be taken up, until the Writ Petition is disposed.

5. Mr.G.M.Xavier, learned counsel appearing for the petitioner submitted that the earlier Writ Petition has not been filed seeking gratuity and retirement benefits. It was filed challenging the proceedings dated 21.03.2024 passed by the second respondent for demanding the petitioner to vacate the quarters. The petitioner seeks a direction to forbear the respondent from vacating the petitioner from the quarters allotted to him until the retirement benefits are paid.

6. Since the word 'until' used in the prayer sought for by the petitioner in earlier Writ Petition in W.P.(MD).No.7552 of 2023 has been construed, it resulted in the impugned order by the first respondent. Admittedly, the petitioner did not seek both reliefs. But the reliefs sought for by the petitioner is only in respect of his occupation in the staff quarters. So nothing will prevent the first respondent in proceeding with the Gratuity Application and disburse the same.

7. In view of the same, the Writ Petition is **allowed** and the impugned order, dated 28.03.2024 in P.G.No.80 of 2023, passed by the first respondent is



W.P.(MD)No.17580 of 2024

set aside and the respondents are directed to dispose the Gratuity Application and decide the gratuity amount payable to the petitioner as expeditiously as possible. No costs.

30.07.2024

Index:yes/no

Internet:yes/no

Ncc : yes/no

TSG

To

1.The Controlling Authority under
Payment of Gratuity Act,
(Deputy Commissioner of Labour),
Office of the Joint Commissioner of Labour,
Collector Office Complex,
Dindigul.

2.The Management,
Gandhigram Institute of Rural Health,
and Family Welfare Trust,
Gandhigram,
Dindigul District.



WEB COPY



W.P.(MD)No.17580 of 2024

R.N.MANJULA, J.

TSG

W.P.(MD)No.17580 of 2024

30.07.2024