



W.P(MD)No.9099 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9099 of 2017 and
WMP(MD) No.6938 of 2017

Tamil Nadu Cements Corporation Ltd.,
Alangulam Cement Works,
Tamil nadu Cements Post – 626 127.
Via Rajapalayam,
Virudhunagar District,
Rep by its Unit Head

... Petitioner

Vs

1.The Assistant Commissioner of Labour
Controlling Authority Under Payment of Gratuity Act,
Bharathi Ula Road,
K.Pudur, Madurai 625 002.

2. G.Paulraj,

...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 records of the 1st respondent in P.G.I.A.No.267 of 2013 and quash the order dated 22.2.2017, passed therein.



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For Petitioner : Mr.T.Ravichandran
For R1 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R2 : Mr.D.Nallathambi
Legal Aid Counsel

ORDER

This writ petition was filed by the Tamil Nadu Cement Corporation Ltd, Virudhunagar as against the order passed by the Assistant Commissioner of Labour (Controlling Authority under Payment of Gratuity Act) in PGIA No.267 of 2013, dated 22.02.2017.

2.The said application was filed by the retired employee of the petitioner Corporation/the second respondent herein to condone the delay of 965 days in filing the application for payment of gratuity under the Payment of Gratuity Act. The second respondent ought to have filed the application within 30 days from the date of his superannuation. However, the same was filed with such a delay, however the same was allowed by the first respondent. Challenging the same, this writ petition was filed by the petitioner Corporation in the year 2017.



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3. When this writ petition was taken up for hearing, there was no representation for the second respondent and therefore, this Court, by order, dated 19.08.2024 appointed Mr.D.Nallathambi, the learned senior counsel, who is having 40 years of experience, as a legal aid counsel to defend the case of the second respondent in this writ petition.

4. Mr.D.Nallathambi, learned legal aid counsel for the second respondent submits that the prayer sought for in this writ petition has become infructuous as this writ petition was filed as against the interim order passed by the first respondent in P.G.I.A.No.267 of 2013 and pending this writ petition, the main application was numbered as PG.No. 27 of 2017 and the same was disposed of by order, dated 20.03.2018, directing the petitioner Corporation to pay a sum of Rs.9,41,912/- to the employee/the second respondent herein towards gratuity amount and the said amount has also been paid to him on 30.09.2022. The learned legal aid counsel has produced a copy of the cheque issued by the petitioner Corporation to the second respondent.



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5.The learned legal aid counsel further submits that this order in PG 27 of 2017, dated 20.03.2018 passed by the first respondent was also challenged by the petitioner Corporation in W.P(MD) No.11981 of 2018 before this Court and the same was dismissed as infructuous, by order, dated 25.09.2023, in view of the payment made by the petitioner Corporation to the second respondent. A copy of the order passed in W.P(MD) No.11981 of 2018 is also placed before this Court.

6.Since this writ petition is filed as against the order passed by the first respondent in P.G.I.A No.267 of 2013, dated 22.02.2017 and pending the proceedings, the main application in PG.No. 27 of 2017 was disposed of by order, dated 20.03.2018 and a sum Rs.9,41,912/- has been settled to the second respondent and also the writ petition in W.P(MD) No.11981 of 2018 filed by the petitioner Corporation as against the order passed in P.G.No.27 of 2017 was dismissed as infructuous, in view of the subsequent developments, placing appreciation on the efforts taken by the learned legal aid Counsel, this writ petition is dismissed. The Legal Aid Services Authority is directed to pay a sum of Rs.15,000/- to the learned



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legal aid counsel. No Costs. Consequently, connected Miscellaneous
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Petition is closed.

05.09.2024

NCC:Yes/No

Index:Yes

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To

The Assistant Commissioner of Labour
Controlling Authority Under Payment of Gratuity Act,
Bharathi Ula Road,
K.Pudur, Madurai 625 002.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.9099 of 2017 and
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10.09.2024