



W.P.(MD)No.23809 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.23809 of 2023

and

W.M.P.(MD).No.19981 of 2024

The Chairman and Managing Director,
Tamil Nadu Newsprint and Papers Limited,
No.67, Mount Road, Guindy,
Chennai-600 032.

... Petitioner

Vs.

1. Controlling Authority under
Payment of Gratuity Act, 1972,
Deputy Commissioner of Labour (I/c),
Dindigul.

2.R.Manivel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order dated 07.09.2023 passed in P.G.I.A.No.133 of 2023 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.M.P.Senthil

For R-1 : Mr.M.Lingadurai,
Special Government Pleader

For R-2 : Mr.P.Krishnasamy



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ORDER

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Heard Mr.M.P.Senthil, learned counsel appearing for the petitioner Mr.M.Lingadurai, learned Special Government Pleader appearing for the first respondent and Mr.P.Krishnasamy, learned counsel appearing for the second respondent.

2. This Writ Petition has been filed challenging the impugned order dated 07.09.2023 passed in P.G.I.A.No.133 of 2023 on the file of the first respondent.

3. The second respondent herein had filed an application seeking to disburse the gratuity subsequent to his retirement on 31.05.2021. The second respondent's gratuity was withheld in view of the allegation made against him that he has produced fake community certificate when he joined with the petitioner. Since the petitioner has doubt with regard to the community certificate of the second respondent, he sent the same for verification before the State Level Scrutiny committee. In the meanwhile, the second respondent filed an application before the appropriate authority to condone the delay of 780 days to file his application under the Payment of Gratuity Act. The delay disburse petition has been allowed and the appropriate authority has fixed the date of hearing on 13.09.2023.



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4. The petitioner has rushed this Court stating that if the enquiry is proceeded by the appropriate authority and in the event of the State Level Scrutiny Committee's report goes against the petitioner, the petitioner will be affected if at all any gratuity is released in favour of the second respondent. The petitioner does not remain remedy-less even if the appropriate authority have to consider the application which was filed under the Payment of Gratuity Act favourably. Because, when there are appeal avenues in the Act itself, the petitioner can prefer an appeal. Even for the very same reasons, now, it is stated before this Court that the petitioner can even file an application for getting the order of stay from the appropriate authority itself until the report of the State level Scrutiny Committee is obtained.

5. With the above observation, the Writ Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

11.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To
Deputy Commissioner of Labour (I/c),
Controlling Authority under
Payment of Gratuity Act, 1972,
Dindigul.

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R.N.MANJULA, J.

TSG

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