



W.P(MD).No.71 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.71 of 2024

C.M.Raju

...Petitioner

Vs

- 1.The appellate authority,
under the Payment of Gratuity Act 1972,
(Additional Commissioner of Labour),
Trichirappalli.
 - 2.The Deputy Commissioner of Labour,
(Controlling Authority under the Payment of Gratuity Act),
Office of the Joint Commissioner of Labour,
Collectorate Complex, Dindigul.
 - 3.The Management,
Venkatesa Processors Ltd.,
Saminathapuram, Palani,
Dindigul District-642 113.
- ...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 1st respondent, dated 07.11.2022 in P.G.Appeal.I.A.No.03/2022 and quash the same and direct the 1st respondent to entertain the appeal filed by the petitioner.

For Petitioner : Mr.G.Murugan

For R1 & R2 : Mr.M.Siddharthan
Additional Government Pleader



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For R3

: Mr.V.O.S.Kalaiselvan

ORDER

The present writ petition has been filed to call for the records of the impugned order passed by the 1st respondent, dated 07.11.2022 in P.G.Appeal.I.A.No.03/2022 and quash the same and direct the 1st respondent to entertain the appeal filed by the petitioner.

2. P.G.Appeal.I.A.No.03/2022 was preferred by the petitioner before the Joint Commissioner of Labour, Trichirappalli seeking to condone the delay of 1421 days in preferring an appeal as against the order passed in P.G.No.163 of 2015, dated 08.11.2016. Elaborately considering the facts and circumstances of the case and the relevant laws, the 2nd respondent has dismissed the said I.A. The learned counsel appearing for the petitioner submitted that the reason for the delay could be attributed to his poverty and the medical condition of his wife who has been suffering from Cancer in Kidney.

3. Per contra, the learned counsel appearing for the 3rd respondent vehemently submitted that the case is one of misappropriation to a tune of



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Rs.83,50,000/- and the reasons putforth by the petitioner are not proved and during the interregnum period ,he has purchased several properties and he is liable to make the payment whatsoever he has misappropriated and hence, interference of the order passed by the 2nd respondent would cause heavy implication on the 3rd respondent and pressed for dismissal of the writ petition.

4. Heard the learned counsels on either side and perused the materials available on record.

5. A careful reading of the impugned order would reveal that the 2nd respondent has considered the I.A filed by the petitioner elaborately and has passed the impugned order in accordance with law.

6. In view of the same, I am not inclined to interfere with the order impugned in the writ petition. Accordingly, this Writ Petition stands dismissed. No costs.

20.02.2024

Internet : Yes

Index : Yes/No



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NCC : Yes/No

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L.VICTORIA GOWRI, J.

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