**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN**

**TUESDAY, THE 1ST DAY OF APRIL 2025 / 11TH CHAITHRA, 1947**

**WP(C) NO. 43435 OF 2024**

**PETITIONER:**

**PREETHI PRAKASH**
**AGED 51 YEARS**
**DIRECTOR, PARAKKAT PEARLS AND JEWELS INDIA PRIVATE LIMITED, XII/483 A, 1ST FLOOR, PARAKKAT BUILDING, NEELEESWARAM PO, KALADY, ERNAKULAM, PIN - 683574**

**BY ADVS.**
**P.RAMAKRISHNAN**
**PREETHI RAMAKRISHNAN (P-212)**
**PRATAP ABRAHAM VARGHESE**
**MANOJKUMAR G.**
**ASHOK MENON**

**RESPONDENTS:**

1 **CONTROLLING AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT AND DEPUTY LABOUR COMMISSIONER, ERNAKULAM, CIVIL STATION KAKKANAD, ERNAKULAM, PIN - 682030**

2 **CHANDRAN K**
**PUTHIYATTIL (H), CHETTARIKKAL, KORATTY SOUTH PO, THRISSUR, PIN - 680308**

**BY ADVS.**
**VINOD KUMAR P.R.**
**DAYA. K.G.R.(K/234/2005)**
**MABLE C.KURIAN, SR.GOVT. PLEARDER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**JUDGMENT**

The petitioner has filed this writ petition challenging Ext.P4 order passed by the Controlling Authority under the Payment of Gratuity Act, Ext.P6 order rejecting the application for setting aside the ex parte order, and also Ext.P7 show cause notice.

2. When the writ petition came up for admission on 06.12.2024, a suggestion was made by this Court to the learned counsel for the petitioner as to whether the matter can be settled with the 2nd respondent. Interim stay of further proceedings pursuant to Exts.P4, P6 and P7 was also granted on condition that the petitioner pays an amount of Rs.58,764/- being admitted gratuity. The said amount was paid on 08.01.2025.

3. Today it is submitted by the learned counsel for the petitioner as well as the learned counsel for the 2nd respondent that the matter has been settled between the parties. It is also submitted that pursuant to Exts.P4, P6 and P7, revenue recovery proceedings have been initiated against the petitioner.

Since it is submitted that the matter has been settled, Exts.P4, P6 and P7 are quashed. In the light of the settlement arrived at between the parties, revenue recovery proceedings need not be proceeded with. It is submitted by the learned counsel for the petitioner that when the amounts are paid directly on the basis of settlement between parties, no collection charges can be recovered. The learned counsel relied on the decision in **Ali Haji K.C v. District Collector, Wayanad** [2023 (1) KHC 552]. However, if any service charges are due, the petitioner shall pay the said amount to the Village Officer concerned.

This writ petition is disposed of.

**Sd/-**

**MURALI PURUSHOTHAMAN**
**JUDGE**

smp

**APPENDIX OF WP(C) 43435/2024**

**PETITIONER EXHIBITS**

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| **Exhibit P-1** | **TRUE COPY OF WAGE SLIP ISSUED WITH RESPECT TO THE PAYMENT OF SALARY MADE TO THE 2ND RESPONDENT BY THE COMPANY FOR THE PERIOD JANUARY 2020** |
| **Exhibit P-2** | **TRUE COPY OF NOTICE DATED 18/7/2022 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT ALONG WITH THE APPLICATION FOR GRATUITY SUBMITTED BY THE 2ND RESPONDENT** |
| **Exhibit P-3** | **TRUE COPY OF WRITTEN STATEMENT DATED 26/10/2022 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT** |
| **Exhibit P-4** | **TRUE COPY OF ORDER DATED 10/8/2023 ISSUED BY THE 1ST RESPONDENT** |
| **Exhibit P-5** | **TRUE COPY OF PETITION DATED 20/9/2023 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT** |
| **Exhibit P-6** | **TRUE COPY OF ORDER DATED 21/12/2023 PASSED BY THE 1ST RESPONDENT** |
| **Exhibit P-7** | **TRUE COPY OF SHOW CAUSE NOTICE DATED 17/10/2024 ISSUED BY THE 1ST RESPONDENT** |