



W.P.No.9021 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.9021 of 2022

and

W.M.P.Nos.8825 of 2022 & 28970 of 2023

The Management of Jeohovah Travels

Rep. by its Proprietor

N.Chandrasekharan

S/o.Nallathambi

Functioning at:

No.118, Egmore High Road,

Egmore,

Chennai - 600 008

...Petitioner

Vs.

1. T.Kannabiran

2. The Controlling Authority Under the Payment of Gratuity Act Viz

Deputy Commissioner of Labour

Chennai -6.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the Order passed by the 2nd Respondent dated 01.10.2021 in P.G.No.167 of 2018 and to quash the order.

For Petitioner : Mr.M.Jayaraman
for M/s.Jayaraman & Associates



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For R1 : Mr.S.Shanmugasundaram
for M/s.S.Senthil Nathan

For R2 : Mr.K.Surendran
Additional Government Pleader

ORDER

Challenging the order passed by the second respondent in P.G.No.167 of 2018 dated 01.10.2021, the petitioner management has preferred this writ petition.

2. It is the case of the first petitioner that he was working for 17 years as driver with the petitioner travel agency. Whiles, the petitioner was terminated from service without any reason and challenging the same, he raised an industrial dispute which was awarded in his favour. In the said industrial dispute, the petitioner was directed to settle the dues to the first respondent. Since his gratuity was not paid, the first respondent has filed a petition before the second respondent claiming gratuity. The second respondent had directed the management to pay to the workman a sum of Rs.49,038/- with 10% interest from the due date till the date of deposit. Challenging the same, the present petition has been filed.

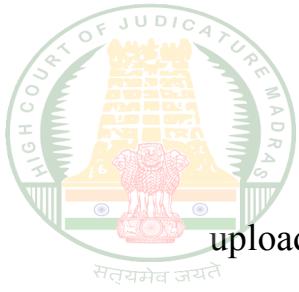


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3. Since the issue lies in a very narrow scope, this Court is not discussing the arguments advanced on both sides before the second respondent. The petitioner has not adduced any oral evidence or marked any documents. Having allowed the petition filed by the workman to succeed, it is not open to the petitioner to agitate the matter seriously before this Court. As rightly pointed out by the second respondent, the petitioner has not challenged the order of reinstatement and other backwages to be paid to the workman. The order passed by the Industrial Tribunal has therefore become final. The present writ petition filed by the workman seeking gratuity is only continuance of the first proceedings before the industrial tribunal to reach its logical conclusion. This Court does not find any error or illegality in the order passed by the second respondent.

4. The learned counsel for the petitioner submitted that the entire amount of Rs.89,181.86 /- has already been deposited by the petitioner. If the said sum has already been deposited, the workman / first respondent is permitted to withdraw the same. However, if the said amount has not been deposited, the petitioner is directed to deposit the same within a period of two weeks from the date of receipt of a copy of this order /



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uploading of the order.

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5. The writ petition is devoid of any merits and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

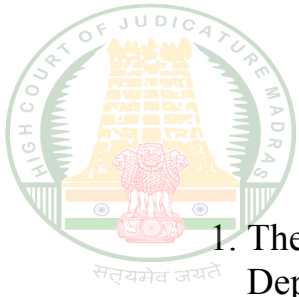
25.03.2025

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Speaking Order : Yes/ No
Index : Yes/ No
NCC : Yes/ No

To

4/6



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1. The Controlling Authority Under the Payment of Gratuity Act Viz
Deputy Commissioner of Labour

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M.DHANDAPANI., J.



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