

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 30.3.2012

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

Writ Petition Nos.41009 to 41012 of 2002

W.P.No.41009 of 2002:-

T.S.Ummer,
Beedi Manufacturer,
Singamparai,
Pasathiar Street,
Mukoodal,
Tirunelveli District.

... Petitioner

-Vs.-

1.The Assistant Commissioner of Labour,
(Controlling Authority for
Payment of Gratuity Act),
Tirunelveli.

2.The Joint Commissioner of Labour,
(Appellate Authority
under the Payment of Gratuity Act).
Madurai-20.

3.Tmt.S.Packiam.

4.Rajah Company
represented by its Manager,
No.64, Upstairs,
South Car Street,
Tirunelveli Town - 627 006.

... Respondents

W.P.No.41010 of 2002:-

M.K.Salahudeen,
Beedi Manufacturer,
Marudamputhur Post,
Via "Alangulam,
Tirunelveli District.

... Petitioner

-Vs.-

1.The Assistant Commissioner of Labour,
(Controlling Authority for
Payment of Gratuity Act),
Tirunelveli.

2.The Joint Commissioner of Labour,
(Appellate Authority
under the Payment of Gratuity Act).
Madurai-20.

3.Tmt.P.Ramalakshmi

4.Rajah Company
represented by its Manager,
No.64, Upstairs,
South Car Street,
Tirunelveli Town - 627 006.

... Respondents

W.P.No.41011 of 2002:-

T.S.Ummer,
Beedi Manufacturer,
Singamparai,
Pasathiar Street,
Mukoodal,
Tirunelveli District.

... Petitioner

-Vs.-

1.The Assistant Commissioner of Labour,
(Controlling Authority for
Payment of Gratuity Act),
Tirunelveli.

2.The Joint Commissioner of Labour,
(Appellate Authority
under the Payment of Gratuity Act).
Madurai-20.

3.Tmt.D.Mary

4.Rajah Company
represented by its Manager,
No.64, Upstairs,
South Car Street,
Tirunelveli Town - 627 006.

... Respondents

W.P.No.41012 of 2002:-
K.V.Mohideen,
Beedi Manufacturer,
No.25, Main Road,
Sadayapuram 627 601.

... Petitioner

-Vs.-

1.The Assistant Commissioner of Labour,
(Controlling Authority for
Payment of Gratuity Act),
Tirunelveli.

2.The Joint Commissioner of Labour,
(Appellate Authority
under the Payment of Gratuity Act).
Madurai-20.

3.Mrs.Kovil.

4.Rajah Company
represented by its Manager,
No.64, Upstairs,
South Car Street,
Tirunelveli Town - 627 006.

... Respondents

Writ Petition No.41009 of 2002 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records from the file of the second respondent in P.G. Appeal No.26 of 2001 on its file and quash the order dated 2.8.2002, wherein the second respondent has set aside the order of the first respondent, directing the fourth respondent to pay Gratuity amount of Rs.11,862/- to the third respondent and directing the petitioner to pay the third respondent the Gratuity amount of Rs.11,862/- instead by the fourth respondent.

Writ Petition No.41010 of 2002 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records from the file of the second respondent in P.G. Appeal No.25 of 2001 on its file and quash the order dated 2.8.2002, wherein the second respondent has set aside the order of the first respondent, directing the fourth respondent to pay Gratuity amount of Rs.7,816/- to the third respondent and directing the petitioner to pay the third respondent the Gratuity amount of Rs.7,816/- instead by the fourth respondent.

Writ Petition No.41011 of 2002 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling

for the records from the file of the second respondent in P.G. Appeal No.24 of 2001 on its file and quash the order dated 2.8.2002, wherein the second respondent has set aside the order of the first respondent, directing the fourth respondent to pay Gratuity amount of Rs.14,423/- to the third respondent and directing the petitioner to pay the third respondent the Gratuity amount of Rs.14,423/- instead by the fourth respondent.

Writ Petition No.41012 of 2002 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records from the file of the second respondent in P.G. Appeal No.27 of 2001 on its file and quash the order dated 2.8.2002, wherein the second respondent has set aside the order of the first respondent, directing the fourth respondent to pay Gratuity amount of Rs.16,719/- to the third respondent and directing the petitioner to pay the third respondent the Gratuity amount of Rs.16,719/- instead by the fourth respondent.

For petitioner
in all W.Ps. : Mr.S.Jayaraman,
For respondents
in all W.Ps. : Mr.I.Arokiyasamy,
Government Advocate
for R1 and R2
: Mr.V.Ajoykhose
for R3
No appearance for R4.

COMMON ORDER

Writ Petition No.41009 of 2002 is filed praying to issue a Writ of Certiorari, calling for the records from the file of the second respondent in P.G. Appeal No.26 of 2001 on its file and quash the order dated 2.8.2002, wherein the second respondent has set aside the order of the first respondent, directing the fourth respondent to pay Gratuity amount of Rs.11,862/- to the third respondent and directing the petitioner to pay the third respondent the Gratuity amount of Rs.11,862/- instead by the fourth respondent.

2. Writ Petition No.41010 of 2002 is filed praying to issue a Writ of Certiorari, calling for the records from the file of the second respondent in P.G. Appeal No.25 of 2001 on its file and quash the order dated 2.8.2002, wherein the second respondent has set aside the order of the first respondent, directing the fourth respondent to pay Gratuity amount of Rs.7,816/- to the third respondent and directing the petitioner to pay the third respondent the Gratuity amount of Rs.7,816/- instead by the fourth respondent.

3. Writ Petition No.41011 of 2002 is filed praying to issue a

Writ of Certiorari, calling for the records from the file of the second respondent in P.G. Appeal No.24 of 2001 on its file and quash the order dated 2.8.2002, wherein the second respondent has set aside the order of the first respondent, directing the fourth respondent to pay Gratuity amount of Rs.14,423/- to the third respondent and directing the petitioner to pay the third respondent the Gratuity amount of Rs.14,423/- instead by the fourth respondent.

4. Writ Petition No.41012 of 2002 is filed praying to issue a Writ of Certiorari, calling for the records from the file of the second respondent in P.G. Appeal No.27 of 2001 on its file and quash the order dated 2.8.2002, wherein the second respondent has set aside the order of the first respondent, directing the fourth respondent to pay Gratuity amount of Rs.16,719/- to the third respondent and directing the petitioner to pay the third respondent the Gratuity amount of Rs.16,719/- instead by the fourth respondent.

5. Learned counsel for the petitioner in all writ petitions fairly states that similar issue was considered by the Supreme Court in Civil Appeal Nos.5669 to 5971 of 2007 by order dated 20.1.2011 and the management appeal was dismissed.

6. In view of the above, the present writ petitions by management are dismissed. The respondents are at liberty to withdraw the amount by following procedure prescribed by law. No costs.

Ts

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Assistant Commissioner of Labour,
(Controlling Authority for
Payment of Gratuity Act),
Tirunelveli.

2.The Joint Commissioner of Labour,
(Appellate Authority
under the Payment of Gratuity Act).
Madurai-20.

+1 CC to Mr. S Jayaraman, Advocate Sr.21558
+1 CC to Mr. V. Ajaykhose, Advocate Sr.22380

W.P.Nos.41009 to 41012 of 2002

VS (CO)
BMD 16/04/2012



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