

(1987) 06 MAD CK 0012

In the Madras High Court

Case No : Writ Petition No's. 1868 to 1874 and 2136 of 1987

Madura Coats Ltd.

APPELLANT

Vs

Dy. Commissioner of Labour and Others

RESPONDENT

Date of Decision : 25-06-1987

Acts Referred:

Payment of Gratuity Act, 1972 — Section 7, 7(4), 7(7)

Citation : (1994) 3 LLJ 914

Hon'ble Judges : S. Mohan, J

Bench : Single Bench

Advocate : Sanjay Mohan, for Kingh and Partridge, for the Appellant; N.G.R. Prasad, Row and Reddy, for the Respondent

Judgement

S. Mohan, J.—Sri Sanjay Mphan, learned counsel in all these writ petitions appearing for the petitioner-management-contents that the

impugned orders passed by the Appellate Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as the Act), are bad.

According to the learned counsel what the management is required to deposit is only the admitted amount as per Section 7(4) of the Act.

Therefore, the Appellate Authority has not looked into the relevant provisions and directed the amount as awarded by the Controlling Authority to

be deposited under the second proviso to Section 7(7) of the Act and, therefore, he prays that the question may be decided, so that there could be

an authoritative ruling of the Court concerning the scope of the second proviso to Section 7(7) of the Act.

2. Sri N.G.R. Prasad, learned counsel for the respondents-workmen would urge that in so far as the amount as ordered by the Controlling

Authority had not been paid, the appeals themselves were not maintainable in

view of the second proviso to Section 7(7) of the Act. If the contention of the workmen were to be accepted in every case, he would contend that nothing is due by way of gratuity to the workmen. As a result, the benefit of social welfare legislation like this, can be completely negated to the workmen.

3. Irrespective of the merits of the above contentions, since I find in these cases 780 claimants are involved, to go into the nice question of law may

serve to fill in pages of Law Reports, that will not give any benefit to these poor claimants, who are large in number. Therefore, I am of the view

that without going into the merits of this contention and deciding the scope of second proviso to Section 7(7) of the Act, read with Section 7(4) of

the Act, the Appellate Authority (Deputy Commissioner of Labour, Tirunelveli) has to be directed to take up the appeals on file without insisting on

deposits and decide the appeals on merits. This shall be done on or before 20th August, 1987. I make it clear that since I have not expressed any

opinion on the scope of second proviso to Section 7(7) read with Section 7(4) of the Act, that question is left open. Such of the parties, who

desires to argue this, could do so at a later stage, if he deems it necessary.

4. The writ petitions are ordered accordingly.

No costs.