

(2016) 03 KAR CK 0076

In the Karnataka High Court

Case No : W.P. Nos. 47537 of 2014 & 11427-11512 of 2015(L-PG)

M/s. HMT Watches Limited

APPELLANT

Vs

The Regional Labour Commissioner (Central) & Ors.

RESPONDENT

Date of Decision : 03-03-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 149 FLR 856 : (2016) LabLR 483

Hon'ble Judges : S. Abdul Nazeer, J.

Bench : Single Bench

Advocate : Krishna S. Dixit, ASG, P.M. Nayak, Advocate, for the Respondent

Final Decision : Disposed off

Judgement

S. Abdul Nazeer, J. - I have heard the learned counsel for the parties.

2. The statutory appeal filed by the petitioner in Appeal No. 36(25)/2013-B2 under the Payment of Gratuity Act, 1972 (for short "the Act") was dismissed by the Regional Labour Commissioner (Central) Bangalore, Karnataka State, on the ground that the petitioner has failed to produce the certificate of the Controlling Authority to the effect that it has deposited the determined amount while preferring the appeal.

3. Learned counsel appearing for the petitioner submits that due to certain unavoidable circumstances, petitioner could not deposit the determined amount while preferring the appeal. It is further submitted that the petitioner may be permitted to deposit the amount within a reasonable time before the Appellate Authority and that Appellate Authority may be directed to consider the appeal on its merits.

4. Having regard to the facts and circumstances of the case, it is just and proper to permit the petitioner to deposit the amount under sub-section (7) of Section 7 of the Act within a period of eight weeks from today. On such deposit, the Appellate Authority has to consider the appeal on its merits.

5. In the result, the order at Annexure-F passed by the 1st respondent/Appellate Authority is hereby quashed. The petitioner is permitted to deposit the amount in terms of sub-section (7) of Section 7 of the Act with the Appellate Authority, within a period of eight weeks from today and on such deposit, the Appellate Authority is directed to consider the appeal on its merits and in accordance with law.

6. Petitioner is permitted to bring the LR's of respondent No. 57 on record before the Appellate Authority. Writ petitions are disposed of accordingly.

7. No costs.