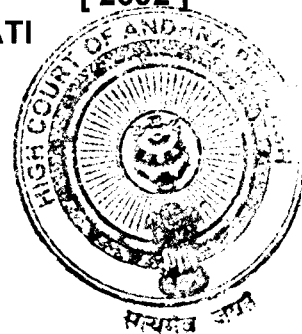


**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE THIRD DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU
WRIT PETITION NO: 25502 OF 2021



Between:

Andhra Pragati Grameena Bank, (APGB) Rep. by its Chairman/Authorized Signatory,
Beside, Mariyapuram Church, Mariyapuram, Kadapa, Y.S.R Kadapa District (A P)
51600

...Petitioner

AND

1. Before the Appellate Authority, Under the payment of Gratuity Act.1972 & Dy. Chief Labour Commissioner (Central), I/C, Hyderabad, Office at Shivam Road, Nallkunta, Hyderabad -44
2. Before the Controlling Authority under the payment of Gratuity Act.1972 & Asst., Labour Commissioner (Central), Ministry of Labour and Employment Office at ALC (C), 5th Floor, CGO Complex, Plot No. B-2 Industrial Estate, Auto Nagar, Vijayawada, Krishna District -007
3. The Union of India, Rep. by its Under Secretary, Ministry of Labour and Employment Department, Sastry Bhavan, New Delhi
4. Duvvuru Rami Reddy, S/o. Ramana Reddy, Plot No.406, Pavani Prestige Apartment, Magunta Layout, SPSR Nellore - 523247

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ Certiorari, calling for the records and quash the order passed by the 1st Respondent Appellate Authority in Gratuity Appeal (GA) No.36/268/2020-E1/DY, dt.29-09-2021, in the order passed by the 2nd Respondent in Payment of Gratuity Application (PGA) No.102/2018, 05-12-2019 preferred by the respondent No.4 for payment of differential Gratuity amount of Rs.32,435/- as illegal, and without jurisdiction, as bad in law.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order passed in Gratuity Appeal No.36/268/2020-E1/DY, dt.29-09-2021, passed by the 1st respondent herein in the order passed in Payment of Gratuity Application (PGA) No.102/2018, 05-12-2019, by the 2nd respondent, pending disposal of WP.No.25502 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s V.Uma Devi, Advocate for the Petitioner and Sri Harinath.N, Assistant Solicitor General for the Respondent Nos.1 to 3 and Sri GVL.Murthy, Standing Counsel for the Respondent No.4, the Court made the following.

ORDER:

“Heard the learned counsel for the petitioner and Sri G.V.L. Murthy, learned counsel.

The apprehension is that the order passed by the appellate authority would be executed since it is a money decree in one sense.

There shall be an interim stay of the operation of the orders passed by the appellate authority under the Payment of Gratuity Act and the Chief

Commissioner, Labour in this case on the condition that the respondent-workman shall be entitled to withdraw 50% of the amount that is already deposited and is mentioned in the orders of appellate authority in the annexure. The respondent shall be permitted to withdraw 50% on furnishing bank guarantee to the satisfaction of the appellate authority within a period of four (4) weeks from the date of receipt of a copy of this order. The respondent-workman, who wishes to withdraw money should also ensure that the bank guarantee is extended till the issue is finally disposed of by this Court.

Post on 01.12.2021 in the motion list."

//TRUE COPY//

Sd/-M.RameshBabu
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Appellate Authority, Under the payment of Gratuity Act.1972 & Dy. Chief Labour Commissioner (Central), I/C, Hyderabad, Office at Shivam Road, Nallkunta, Hyderabad -44
2. The Controlling Authority under the payment of Gratuity Act.1972 & Asst., Labour Commissioner (Central), Ministry of Labour and Employment Office at ALC (C), 5th Floor, CGO Complex, Plot No. B-2 Industrial Estate, Auto Nagar, Vijayawada, Krishna District -007
3. The Under Secretary, Union of India, Ministry of Labour and Employment Department, Sastry Bhavan, New Delhi
4. Duvvuru Rami Reddy, S/o. Ramana Reddy, Plot No.406, Pavani Prestige Apartment, Magunta Layout, SPSR Nellore – 523247 (Addresses 1 to 4 by RPAD)
5. One CC to M/s. V.Uma Devi, Advocate [OPUC]
6. One CC to Sri. Harinath.N, Assistant Solicitor General [OPUC]
7. One CC to Sri GVL.Murthy, Standing Counsel [OPUC]
8. One spare copy

MM

HIGH COURT

DVSSJ

DATED:03/11/2021

NOTE: POST ON 01.12.2021 IN THE MOTION LIST

ORDER

WP.No.25502 of 2021

INTERIM STAY

