

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 27450 OF 2021

Between:

Andhra Pragati Grameena Bank, (APGB) Rep. by its Chairman/Authorized Signatory,
(Sponsored by Syndicate Bank) 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 & I/C, Dy. Chief Labour Commissioner, (DCLC), (Central), at ATI Campus, Vidyanagar, Hyderabad -007
2. Before the Controlling Authority under the payment of Gratuity Act., 1972 & Asst. Labour Commissioner, (ALC), (Central), Ministry of Labour and Employment, Office of the DCLC, (Central), at ATI Campus, Vidyanagar, Hyderabad -007
3. The Union of India, rep. by its Under Secretary, Ministry of Labour and Employment Department, Sastry Bhavan, New Delhi
4. S. Venkatachalapathi, D.No.6-1 -577, Lakshminagar, Ananthapuramu, Ananthapuramu District.

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 of Certiorari, calling for the records and quash the order passed by the 1st Respondent Appellate Authority in Gratuity Appeal (GA) No. 36/346/2020-E1/DY, dt.06-10-2021, in the order passed by the 2nd Respondent in Claim Application No. 48/118/2018-E2, dt.11-03-2020 preferred by the R-4 herein for payment of differential Gratuity amount of Rs.6,55,477/- as illegal, and without jurisdiction, as bad in law;

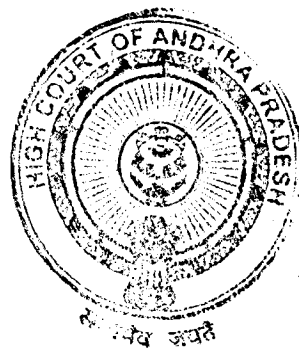
IA NO: 2 OF 2021

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. 36/346/2020-E1 /DY, dt.06-10-2021, passed by the 1st respondent herein in the order passed in Payment of Claim Application No. 48/118/2018-E2, dt.11-03-2020, by the 2nd respondent herein, pending disposal of the Writ Petition No. 27450 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 Ms.V.Uma Devi Advocate for the Petitioner, learned GP for Labour for Respondent Nos.1 & 2 Sri.N.Harinath, learned Assistant Solicitor General for Respondent No.3 and of Sri.Sravana Kumar Naidana, learned Advocate for Respondent No.4, the Court made the following.

ORDER:

Heard learned counsel for the petitioner and Sri Sravana Kumar Naidana,
learned counsel for the respondent-workman.



As it is stated by the learned counsel for both sides that interim orders were granted in similar matters, there shall be an interim stay of operation of the orders passed by the appellate authority under the Payment of Gratuity Act and the Controlling Authority under the Payment of Gratuity Act & the Assistant Labour Commissioner 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 the 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.

List the matter along with W.P.No.25000 of 2021.

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Dy. Chief Labour Commissioner, (DCLC), (Central), at ATI Campus, Vidyanagar, Hyderabad -007
2. The Asst. Labour Commissioner, (ALC), (Central), Ministry of Labour and Employment, Office of the DCLC, (Central), at ATI Campus, Vidyanagar, Hyderabad -007
3. The Under Secretary, Ministry of Labour and Employment Department, Union of India, Sastry Bhavan, New Delhi
4. S. Venkatachalapathi, D.No.6-1 -577, Lakshminagar, Ananthapuramu, Ananthapuramu District (1 to 4 by RPAD)
5. One CC to MS.V. UMA DEVI Advocate [OPUC]
6. One CC to Sri Sravana Kumar Naidana, (OPUC)
7. One CC to Sri.N.Harinath, Assistant Solicitor General [OPUC]
8. Two CCs to GP For Labour, High Court of A.P.(OUT)
9. One spare copy

SRL

HIGH COURT

NJSJ

DATED:25/11/2021

NOTE: LIST THE MATTER ALONG WITH W.P.No.25000 OF 2021

ORDER

WP.No.27450 of 2021

DIRECTION

