



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3331]

MONDAY ,THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 9620/2025

Between:

Ship Building Centre

...PETITIONER

AND

National Institute Of Fire Engineering And Safety
Management Nifs and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.Pasala Ponna Rao,DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent(S):

1.

The Court made the following interim order:

Rule *nisi*. Call for records.

List the matter after four (4) weeks.

SUBBA REDDY SATTI, J

I.A.No.1 of 2025

Ship Building Centre, Godavari Gate, Visakhapatnam represented by the Project Direction, filed the above writ petition assailing the order dated 04.10.2024 in Application No.112/2022.

The 2nd respondent filed an Application before the Controlling Authority under the Payment of Gratuity Act, 1972 & Regional Labour Commissioner (Central), Visakhapatnam under Sub-rule (1) of Rule 10 of Payment of Gratuity (Central) Rules, 1972 initially against the Managing Director, M/s National Institute of Fire Engineering & Safety claiming gratuity amount. Later, the petitioner was impleaded as 2nd respondent.

Learned counsel for the petitioner would submit that no relief was sought against the petitioner herein (2nd respondent in application). However, the authority directed the petitioner being the Principal employer to pay the gratuity to the 2nd respondent herein along with simple interest at 10% per annum, which shall accrue from the date it is payable i.e. 31.12.2017 till it is actually paid by the petitioner i.e. Ship Building Centre and to recover the same from the 1st respondent.

Learned counsel would submit that the authority failed to consider the fact that there is no employer and employee relationship between the petitioner and 2nd respondent herein. The authority failed to appreciate the fact that the petitioner neither engaged nor terminated the 2nd respondent herein.

Whether the findings of the Controlling authority directing the petitioner herein i.e. Ship Building Centre to pay the Gratuity amount to the 2nd respondent herein and further direction to recover the amount from the 1st respondent, by the proceedings impugned is sustainable, requires examination.

Given the facts and circumstances, there shall be stay of further proceedings pursuant to order dated 04.10.2024 in Application No.112 of 2022 on the file of the Controlling Authority under Payment of Gratuity Act, 1972 & Regional Labour Commissioner (Central), Visakhapatnam until further orders.

SUBBA REDDY SATTI, J

Date: 05.05.2025
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