

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No.34396 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	10.12.2025	<u>VN, J</u> Notice before admission, returnable in four weeks. Ship Building Centre, Godavari Gate, Visakhapatnam represented by the Project Director, filed the above writ petition assailing the order dated 08.10.2024 in Application No.121/2022. 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 08.10.2024 in Application No.121 of 2022 on the file of the Controlling Authority under Payment of Gratuity Act, 1972 & Regional Labour Commissioner (Central), Visakhapatnam until further orders. _____ VN, J CHS	
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