

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE **ABHINAND KUMAR SHAVILI**

WRIT PETITION NO: 35957 OF 2021

Between:

State Bank of India (SBI), Rep. by its Asst. General Manager (PPF & G) Pension, Provident Fund and Gratuity Dept., Local Head Office at Koti, Hyderabad

Petitioner

AND

1. Before the Appellate Authority, under the Payment of Gratuity Act.1972 & Dy. Chief Labour Commissioner (DCLC) (Central), I/C, Hyderabad, Office at ATI Campus, Shivam Road, Vidyanagar, Hyderabad -007
2. Before the Controlling Authority, under Payment of Gratuity Act.1972 & Asst. Labour Commissioner (Central) (ALC), O/o. Dy. CLC(C),Hyderabad, O/o at ATI Campus, Shivam Road, Vidyanagar, Hyderabad -007
3. The Union of India, rep. by its Under Secretary, Ministry of Labour and Employment department, Sastry Bhavan, New Delhi
4. Rajasekhar Nimbale, S/o. Shivasharanappa, H.No. 11-45/36, Mata Manikeswari Colony, Brahampur, Kalaburagi – 585 103.

Respondents

WHEREAS the Petitioner above named through its Advocate Ms. V.Uma Devi, presented this 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) Common impugned order in DLC APPEAL No. 36/141-185, 188-192 & 270/2020-E1/DY, (Sl.No.35), 36/175/2020-E1/Dy, dt.26/10/2021, against the order passed by the 2nd respondent Controlling Authority (ALC) in Claim Application (PGA) No.48/276/2019, (SL.No.18) dated 13.03.2020 preferred by the R-4 herein for payment of Additional Gratuity amount in terms of Section-4 (5) of the payment of Gratuity Act, 1972 as illegal and without jurisdiction and also contrary to the Regulations of the State Bank of Hyderabad (Payment of Gratuity to Employees) Trust Regulations, 1960/Regulation 49 (2) of State Bank of Hyderabad (Officer's) Service Regulation 1979.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Ms. V.Uma Devi, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Appellate Authority, under the Payment of Gratuity Act.1972 & Dy. Chief Labour Commissioner (DCLC) (Central), I/C, Hyderabad, Office at ATI Campus, Shivam Road, Vidyanagar, Hyderabad -007
2. The Controlling Authority, under Payment of Gratuity Act.1972 & Asst. Labour Commissioner (Central) (ALC), O/o. Dy. CLC(C),Hyderabad, O/o at ATI Campus, Shivam Road, Vidyanagar, Hyderabad -007
3. The Under Secretary, Ministry of Labour and Employment department, Union of India, Sastry Bhavan, New Delhi

4. Rajasekhar Nimbale, S/o. Shivasharanappa, H.No. 11-45/36, Mata Manikeswari Colony, Brahampur, Kalaburagi – 585 103.

are directed to show cause on or before 07-02-2022 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 2 OF 2021:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of the order passed by the 1st respondent Appellate Authority in (Gratuity Appeal) Common impugned order in DLC APPEAL No. 36/141-185, 188-192 & 270/2020-E1/DY, (Sl.No.35), 36/175/2020-E1/Dy dt. 26-10-2021, against the order passed by the 2nd respondent controlling authority in PGA.No. 48/276/2019 (Sl.No.18) dt. 13-03-2020, preferred by the R-4 herein, pending disposal of WP No. 35957 of 2021 on the file of the High Court.

The Court made the following **ORDER:**

“ Notice before admission.

Learned counsel appearing for the petitioner is permitted to take out personal notice on respondent No.4 and file proof of service.

Post on 07.02.2022.

There shall be an interim suspension of the order dated 26.10.2021 passed by the 1st respondent-appellate authority, subject to the condition of the petitioner depositing 50% of the amount as adjudicated by the 1st respondent and the respondent-workman is permitted to withdraw the same by furnishing bank guarantee to the satisfaction of the 1st respondent.”

SD/- T TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Appellate Authority, under the Payment of Gratuity Act.1972 & Dy. Chief Labour Commissioner (DCLC) (Central), I/C, Hyderabad, Office at ATI Campus, Shivam Road, Vidyanagar, Hyderabad -007
2. The Controlling Authority, under Payment of Gratuity Act.1972 & Asst. Labour Commissioner (Central) (ALC), O/o. Dy. CLC(C),Hyderabad, O/o at ATI Campus, Shivam Road, Vidyanagar, Hyderabad -007
3. The Under Secretary, Ministry of Labour and Employment department, Union of India, Sastry Bhavan, New Delhi
4. Rajasekhar Nimbale, S/o. Shivasharanappa, H.No. 11-45/36, Mata Manikeswari Colony, Brahampur, Kalaburagi – 585 103.
(1 to 4 by RPAD alongwith a copy of Petition and Affidavit)
5. One CC to Sri N.Rajeshwar Rao, Asst. Solicitor General, High Court at Hyd.
6. One CC to Ms. V.Uma Devi, Advocate(OPUC)
7. One spare copy.

SAH

HIGH COURT

AKSJ

DATED: 27/12/2021

NOTE: POST ON 07-02-2022

NOTICE BEFORE ADMISSION

WP.No.35957 of 2021

INTERIM SUSPENSION

