



2025:KER:16167

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 25TH DAY OF FEBRUARY 2025 / 6TH PHALGUNA, 1946

WP(C) NO. 6207 OF 2023

PETITIONER/S:

HOLY GRACE ACADEMY,
AGED 55 YEARS
HOLY GRACE NAGARKURUVILASSERY.P.O, MALA, THRISSUR, PIN - 680732
REPRESENTED BY CHAIRMAN, CLEMANCE THOTTAPPILLY,
S/O. ANTO THOTTAPPILLY HOUSE, KIZHAKKE CHALAKKUDY VILLAGE,
CHALAKKUDY.P.O, CHALAKKUDY TALUK, THRISSUR, PIN - 680307

BY ADV V.C.MADHAVANKUTTY

RESPONDENT/S:

- 1 GRATUITY CONTROLLING AUTHORITY,
DEPUTY LABOUR COMMISSIONER, THRISSUR, PIN - 680020
- 2 SEENARANI.V,
KIZHAKKEDATH HOUSE, KUMAR MANDHIR, KAZHOOR.P.O,
THRISSUR, PIN - 680734

BY ADVS.
ARUN ROY
C.B.MUKUNDAN (THRISSUR)
ASWIN KUMAR M J
R.NANDAGOPAL
SHEEJA C.S (SR.GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.02.2025, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



J U D G M E N T

The petitioner was the respondent in the claim petition filed by the 2nd respondent under Section 7(4) of the Payment of Gratuity Act, 1972. The petition was posted for appearance on 22.11.2022. However, the petitioner was absent on that day and was set *ex parte*. The petitioner filed Ext.P2 application to set aside the order setting the petitioner *ex parte*. That was rejected by the 1st respondent by Ext.P3 on the ground that the application is premature and the petitioner has to wait till final orders are passed on the gratuity application. On 13.12.2022, the 1st respondent allowed the claim petition as per Ext.P4 order. Challenging Exts.P3 and P4, the petitioner has filed this Writ Petition.

2. The reason stated in Ext.P3 for rejecting Ext.P2 application is not plausible to reason. The



petitioner has been set *ex parte* on 22.11.2022. The petitioner approached the 1st respondent to set aside the *ex parte* order by Ext.P2 during the pendency of the claim petition. The 1st respondent ought to have considered the said application. The petitioner need not wait for the final disposal of the claim petition to prefer an application to set aside the order setting the petitioner *ex parte*. Accordingly, I set aside Exts.P3 and P4 orders.

3. There will be a direction to the 1st respondent to consider Ext.P2 application afresh, in accordance with law, within a period of one month from the date of receipt of a certified copy of this judgment.

The Writ Petition is disposed of accordingly.

SD/-
MURALI PURUSHOTHAMAN
JUDGE



2025:KER:16167

WP(C) NO.6207 OF 2023

APPENDIX OF WP(C) 6207/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE PETITION FILED BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT DATED 24.06.2022
Exhibit P2	TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT, TO SET ASIDE EX- PARTE, DATED 30.11.2022
Exhibit P3	TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DATED 02.12.2022
Exhibit P4	TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT IN GC 88/2022 DATED 13.12.2022