



W.P.Nos.38249, 38255,
38257 and 38262 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30/6/2026

C O R A M

THE HONOURABLE Mr.JUSTICE K. SURENDER

Writ Petition Nos.38249, 38255, 38257 and 38262 of 2024
a n d

W.M.P.Nos.41385, 41388, 41400, 41401, 41406, 41407,
41415 and 41416 of 2024

The Management

Dharmapuri District Co-operative Sugar Mills Ltd

Jethalav Post, Palacode Taluk

Dharmapuri District 636 808.

...

Petitioner

Vs

1. The Appellate Authority/Additional Commissioner of Labour
(Appellate Authority under the
Payment of Gratuity Act, 1972)
Coimbatore 18.

2. The Controlling Authority
under the Payment of Gratuity Act, 1972
Office of the Joint Commissioner of Labour
Salem.



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3. M. Sellakutti

...

Third respondent
in W.P.No.38249 of 2024

C. Nadesan

...

Third respondent
in W.P.No.38255 of 2024

G. Mariappan

...

Third respondent
in W.P.No.38257 of 2024

R. Ramalingam

...

Third respondent
in W.P.No.38262 of 2024

Prayer in W.P.No.38249 of 2024: Petition filed under Article 226

of the Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the order dated 6/7/2023 passed in A.Thi.Mu.No.2568/2023 on the file of the first respondent and the order dated 27/12/2022 passed in P.G.No.121 of 2022 on the file of the second respondent and quash the same.

Prayer in W.P.No.38255 of 2024: Petition filed under Article 226

of the Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the order dated 6/7/2023 passed in A.Thi.Mu.No.2566/2023 on the file of the first respondent and the order dated 21/2/2023 passed in P.G.No.124 of 2022 on the file of the second respondent and quash the same.



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WEB COPY Prayer in W.P.No.38257 of 2024: Petition filed under Article 226

of the Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the order dated 31/7/2023 passed in A.Thi.Mu.No.3053/2023 on the file of the first respondent and the order dated 22/5/2023 passed in P.G.No.3 of 2023 on the file of the second respondent and quash the same.

Prayer in W.P.No.38262 of 2024: Petition filed under Article 226

of the Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the order dated 6/7/2023 passed in A.Thi.Mu.Nos.2567/2023 on the file of the first respondent and the order dated 27/12/2022 passed in P.G.No.122 of 2022 on the file of the second respondent and quash the same.

For petitioner	...	Mr.K.Balaramesh (in all the petitions)
For respondents	...	Mr.R.Chakkaravarthy Government Counsel for R.R.1 and 2



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For R.3 - No appearance
(W.P.Nos.38249 and 38262 of 2024)

Mr.K.V.Shanmuganathan
for R.3
(W.P.Nos.38255 and 38257 of 2024)

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COMMON ORDER

Since the issues involved in all the Writ Petitions are one and the same, these writ petitions are being disposed of by this common order.

2. These Writ Petitions have been filed challenging the order dated 6/7/2023, 6/7/2023, 31/7/2023 and 6/7/2023 passed by the first respondent in the respective Writ Petitions vide A.Thi.Mu.Nos. 2568/2026, 2566/2023, 3053/2023, and 2567/2023, as well as the orders passed by the second respondent in the respective Writ Petitions in P.G. Nos. 121, 124 of 2022, 3 of 2023 and 122 of 2022, vide orders dated 27/12/2022, 21/2/2023, 22/5/2023 and 27/12/2022, respectively.



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3. The grievance of the petitioner is that although an appeal was filed

before the Appellate Authority / Additional Commissioner of Labour, the said authority refused to entertain it on the ground that it is barred by limitation under Section 7(7) of the Payment of Gratuity Act, 1972. As per Section 7(7) of the Payment of Gratuity Act, 1972, any person aggrieved by an order under sub section (4) may, within a period of 60 days from the date of receipt of a copy of the order, prefer an appeal. Further time can be extended only for a period of 60 days, making it a total of 120 days. In view of the said provision, the question of extending the period of limitation beyond 120 days does not arise.

4. Even in cases where, the monetary payment of pre-deposit to entertain the appeal was not made, the Tribunal was right in dismissing the appeal on the ground of non payment of pre-deposit. This Court does not find any infirmity in the order passed by the Appellate Authority / Additional Commissioner of Labour in refusing to entertain the appeal on the grounds of limitation. Under both circumstances wherein appeal is filed beyond 120 days or pre-deposit to entertain the appeal is not made, such appeals cannot be entertained and rightly dismissed by the forum below.



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K.SURENDER, J

mvs.

5. The **Writ Petitions are dismissed.** No costs. Consequently,
connected miscellaneous petitions are closed.

(K.SURENDER,J)
30th June, 2026

mvs.

Index: Yes/No

Neutral Citation: Yes/No

To

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