



W.P(MD)No.349 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.349 of 2023

and

W.M.P.(MD).No.332 of 2023

The Management,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division,
No.27, New Railway Station Road,
Represented by its Managing Director,
Kumbakonam.

... Petitioner

Vs

C.Nagarajan

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the Payment of Gratuity Appellate Tribunal in PGA.No.81 of 2018 dated 16.09.2019 quash the same.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.T.Antony Arul Raj



W.P(MD)No.349 of 2023

WEB COPY

ORDER

This Writ Petition has been filed challenging the impugned order passed by the Payment of Gratuity Appellate Tribunal in PGA.No.81 of 2018 dated 16.09.2019

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner Corporation submitted that the respondent workman was involved in a motor vehicle accident, pursuant to which a criminal case was registered against him. Owing to the said criminal case, the respondent was remanded to judicial custody, resulting in loss of revenue to the petitioner Corporation. Consequently, disciplinary proceedings were initiated against the respondent, culminating in an order of dismissal dated 20.12.2003.

4. It is further submitted that the petitioner Corporation filed Approval Petition No.481 of 2003 seeking approval of the order of dismissal under the



W.P(MD)No.349 of 2023

WEB COPY

provisions of the Industrial Disputes Act. The said approval petition was dismissed on 12.02.2005. Challenging the same, the petitioner Corporation filed W.P.No.42519 of 2006, which also came to be dismissed by this Court on 08.04.2014. Thereafter, the petitioner preferred W.A.No.3968 of 2019, which was dismissed on 19.11.2019. The Special Leave Petition filed before the Hon'ble Supreme Court was also dismissed on 09.07.2021.

5. Thereafter, the respondent filed a claim petition under the Payment of Gratuity Act in P.G.No.25 of 2017 before the Assistant Commissioner of Labour (Controlling Authority). The Controlling Authority dismissed the claim by order dated 05.02.2018, taking note of the pendency of the proceedings relating to the rejection of the approval petition. Aggrieved by the same, the respondent preferred an appeal in P.G.A.No.81 of 2018 before the Payment of Gratuity Appellate Authority. The Appellate Authority allowed the appeal and determined the respondent's last drawn monthly wages at Rs.32,451/- for the purpose of calculating gratuity. Challenging the said determination, the present writ petition has been filed.



W.P(MD)No.349 of 2023

WEB COPY 6. The learned counsel appearing for the petitioner Corporation submitted that the only grievance in the present writ petition relates to the fixation of the respondent's last drawn wages. According to the petitioner, the respondent's last drawn monthly wages were only Rs.20,352/- and, on that basis, the gratuity payable would work out to Rs.1,76,122/-. However, without any documentary evidence, the Appellate Authority fixed the last drawn wages at Rs.32,451/-, which has resulted in an erroneous computation of gratuity. Therefore, the impugned order is liable to be set aside and the matter remanded to the Appellate Authority for fresh consideration.

7. Per contra, the learned counsel appearing for the respondent fairly submitted that there is no dispute regarding the qualifying service rendered by the respondent and that the dispute is confined only to the determination of the last drawn monthly wages. He also fairly submitted that he has no objection if the matter is remanded to the Appellate Authority for fresh adjudication on the limited issue of fixation of last drawn wages.



W.P(MD)No.349 of 2023

WEB COPY 8. This Court has considered the rival submissions made on either side and perused the materials available on record.

9. It is seen that the only issue arising for consideration in the present writ petition is with regard to the fixation of the respondent's last drawn monthly wages for the purpose of computation of gratuity. There is no dispute with regard to the qualifying service rendered by the respondent. The Appellate Authority has fixed the last drawn wages at Rs.32,451/-. However, no material has been placed before this Court to substantiate the basis on which the said figure was arrived at. Equally, the respondent is also unable to produce any records to justify the fixation of the said amount.

10. In such circumstances, this Court is of the view that the matter requires reconsideration by the Payment of Gratuity Appellate Authority, after affording sufficient opportunity to both parties to produce the relevant records regarding the respondent's last drawn wages.



W.P(MD)No.349 of 2023

WEB COPY 11. Accordingly, the impugned order dated 16.09.2019 passed in P.G.A.No.

81 of 2018 is set aside and the matter is remitted to the Payment of Gratuity Appellate Authority for fresh consideration. The Appellate Authority shall afford an opportunity to both the petitioner Corporation and the respondent employee to produce all relevant documents relating to the respondent's last drawn monthly wages and thereafter determine the gratuity payable in accordance with law. Such exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

12. With the above directions, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

08.07.2026

NCC : Yes / No
Index : Yes / No
TSG

To

The Payment of Gratuity Appellate Tribunal, Trichy.



WEB COPY



W.P(MD)No.349 of 2023

M.DHANDAPANI, J.

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W.P(MD)No.349 of 2023

08.07.2026