



W.P(MD)No.1048 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P(MD)No.1048 of 2019

and

W.M.P(MD)No.878 of 2019

The Management,
A1449, Madura Coats Workers
Co-operative Stores Limited,
3, Arappalayam Cross Road,
Ponnagaram, Madurai.

... Petitioner

Vs.

1.The Additional Commissioner of Labour
(The Appellate Authority),
Madurai.

2.The Controlling Authority under the
Payment of Gratuity Act,
(Assistant Commissioner of Labour),
Madurai.

3.S.Krishnamani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Declaration declaring that the first proviso of Section 7(7) of Payment of Gratuity Act, 1972 is ultra vires of the constitution and



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null and void and quash the order passed by the first respondent made in A.Thi.Mu/Ee/1556/2018 dated 16.08.2018 and consequently direct the first respondent to entertain the appeal filed by the petitioner and dispose the same in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.P.R.Prithiviraj
for Mr.D.Sadiq Raja

For Respondents : Mr.M.S.Parthiban
Government Advocate (Civil Side)
for R.1 & R.2

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

The petitioner challenges the validity of the first proviso of Section 7(7) of the Payment of Gratuity Act, 1972 as ultra virus. Consequential order passed by the first respondent herein had also been put to challenge.

2.When the matter was taken up for hearing, the learned counsel for the petitioner fairly brought to our notice that a very same challenge mounted by another petitioner in W.P(MD)No.6958 of 2019 was dismissed by this Court and the validation was sustained vide order dated 06.10.2023. In view of the said decision, nothing survives for further adjudication.



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3.This Writ Petition is closed as infructuous. No Costs.

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Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.K.R.K, J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

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