



W.P(MD)No.18556 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18556 of 2026

and

W.M.P.(MD).No.13725 of 2026

The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Region,
Trichy By-Pass Road,
Dindigul-624 001.

... Petitioner

Vs

1.The Appellate Authority,
under the Payment of Gratuity Act, 1972 /
Additional Labour Commissioner,
Tiruchirappalli.

2.The Controlling Authority,
under the Payment of Gratuity Act, 1972 /
Deputy Commissioner of Labour,
Dindigul.

3.K.Subramani

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the first respondent pertaining to its proceedings in P.G.A.No.7 of 2025, dated 22.09.2025 and quash the same.

For Petitioner : Mr.SC.Herold Singh

For R-1 and R-2 : Mrs.K.R.Shivashankari,
Counsel for State

ORDER

This Writ Petition has been filed challenging the proceedings of the first respondent pertaining to its proceedings in P.G.A.No.7 of 2025, dated 22.09.2025

2. Heard Mr. SC.Herold Singh, learned counsel appearing for the petitioner, Mrs. K.R.Shivashankari, learned Counsel for State, who takes notice on behalf of respondent Nos.1 and 2.

3. Since no adverse order is going to be passed against the petitioner, notice to him is dispensed with.



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4. The learned counsel appearing for the petitioner submitted that the third respondent entered the service of the petitioner Corporation as a Conductor in the year 1981. His services were regularised in the year 1984 and he retired from service on 31.05.2018. After his retirement, the third respondent sought payment of his terminal benefits and filed W.P.(MD) No. 3524 of 2020 before this Court. By order dated 21.02.2020, this Court directed the petitioner Corporation to settle all the terminal benefits together with interest at the rate of 6% per annum. Pursuant to the said order, the petitioner Corporation settled the terminal benefits.

5. Thereafter, the third respondent filed an application before the Controlling Authority under the Payment of Gratuity Act claiming gratuity for the entire period of service from the year 1981 to 2018. The petitioner's contention before the authority was that the period during which the third respondent served as a temporary employee from 1981 to 1984 could not be taken into account for computing gratuity and that gratuity was payable only from the date of regularization.



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6. The Controlling Authority, after considering the materials placed before it, rejected the said contention and held that the third respondent was entitled to gratuity by taking into account his entire continuous service from the year 1981 till his retirement in the year 2018. Aggrieved by the said order, the petitioner preferred an appeal before the Appellate Authority. The Appellate Authority, by proceedings in P.G.A. No.7 of 2025 dated 22.09.2025, confirmed the order passed by the Controlling Authority. Challenging the same, the present Writ Petition has been filed.

7. It is well settled that even the services rendered by a temporary employee are liable to be reckoned for the purpose of computation of gratuity, provided such service constitutes continuous service within the meaning of the Payment of Gratuity Act. In the present case, it is not in dispute that the third respondent entered service in the year 1981, his services were regularised in the year 1984, and he continued in service till his retirement on 31.05.2018. Therefore, the authorities below were justified



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8. Both the Controlling Authority and the Appellate Authority have concurrently recorded findings of fact based on the materials available on record. This Court, while exercising jurisdiction under Article 226 of the Constitution of India, would not ordinarily interfere with such concurrent findings unless they suffer from perversity, patent illegality, or jurisdictional error. No such infirmity is made out in the present case warranting interference.

9. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions, if any, are closed.

02.07.2026

NCC : Yes / No
Index : Yes / No
TSG



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M.DHANDAPANI, J.

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