



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.2438 of 2018

and

W.M.P.(MD).No.2633 of 2018

The Management,
145, Periyakulam Co-operative Urban Bank,
Perumal Koil Street, Thenkarai,
Periyakulam, Theni District-625 601. ...Petitioner

Vs.

1.The Appellate Authority under the
payment of Gratuity Act (Joint
Commissioner of Labour),
Trichy.

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

3.Thiru.P.Kumerasan ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the second respondent in P.G.No.6 of 2016 quash the order passed therein on dated 20.04.2017 or grant such other relief(s) as expedient to the facts and circumstances of the matter.

For Petitioner	: Mr.S.Seenivasagam
For R1 & R2	: Mr.K.Saravanan Government Advocate
For R3	: Mr.T.Ravichandran

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, the Writ Petition itself is taken up for final disposal.

3.The petitioner is the management of a Co-operative Society.
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The third respondent was its employee. After he retired from service, the gratuity amounts payable to the third respondent were



disbursed. But according to the third respondent, some more amount remains to be settled. He, therefore, filed an application before the Controlling Authority under the payment of Gratuity Act, 1972. His application was allowed. The management received a copy of the said letter on 24.05.2017. The management had 60 days time to lodge an appeal before the Appellate Authority and further 60 days time for condonation of delay. In this case, the statutory appeal was filed only on 30.11.2017. The Appellate Authority invoked Section 7 (7) of the statute to hold that the appeal was not maintainable. Since the appeal was time barred, the appeal was not even entertained by the Appellate Authority. This order of return is assailed in this Writ Petition.

4.The learned counsel appearing for the petitioner wanted to argue the matter on merits. But such course of action cannot be adopted. When the statutory appeal could not be entertained as it became time barred, it would not be appropriate on the part of the Writ Court to hear the matter on merits. The Appellate authority rightly returned the petitioner's appeal petition. It does not call for any interference.

5.The Writ Petition is without any merit. It stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The Appellate Authority under the payment of Gratuity Act (Joint Commissioner of Labour), Trichy.
- 2.The Controlling Authority under the Payment of Gratuity Act (Assistant Commissioner of Labour), Dindigul.

+1CC to Mr.S.Seenivasagam, Advocate, SR.No. 54713
+1CC to Mr.T.Ravichandran, Advocate, SR.No. 54661
+1CC to the Special Government Pleader SR.No.54939

ORDER MADE IN
W.P. (MD) .No.2438 of 2018
12.03.2018

tsg

AM/RSK/SAR 4/19.03.2018/2P/6C

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