



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.964 to 967 of 2018

and

W.M.P. (MD) Nos.997 to 1000 of 2018

M.Seetharaman,
S/o.Munusamy,
Holding the post as Regional Manager,
Tamil Nadu Civil Supply Corporation Limited,
Dindigul Region,
Dindigul.

.. Petitioner in all the Writ Petition

Vs.

1. The Joint Commissioner of Labour,
Trichy.

2. The Assistant Commissioner of Labour,
Dindigul. .. Respondents 1&2 in all the Writ Petitions

3.T.Mohan	.. 3 rd Respondent in W.P.(MD).No.964 of 2018
4.R.Sourirajan	.. 3 rd Respondent in W.P.(MD).No.965 of 2018
5.G.Rajendran	.. 3 rd Respondent in W.P.(MD).No.966 of 2018
6.K.Mahalingam	.. 3 rd Respondent in W.P.(MD).No.967 of 2018

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records pertaining to the impugned order passed by the first respondent in P.G.A. in I.A.Nos.46 of 2016, 06, 75, 05 of 2017 respectively dated 07.11.2017 and quash the same.

For petitioner	: Mr. P.Seetharaman
For Respondent Nos.1 & 2	: Mr. M.Jeyakumar Additional Government Pleader (in all the Writ Petitions)
For 3 rd Respondent in all Writ Petitions	: Mr. D.Srinivasaraghavan

**COMMON ORDER**

Heard the learned counsel on either side.

WEB COPY

2. The Management is the petitioner in all the writ petitions. The third respondent in all the writ petitions were employed in Tamil Nadu Civil Supplies Corporation Limited. The case of the third respondents in all the writ petitions is that the gratuity amount actually due to them were not paid. Therefore, they filed application before the Controlling Authority and the same were allowed. Questioning the same, the petitioner herein moved the Appellate Authority.

3. As per the relevant provisions of the Payment of Gratuity Act, such an appeal will have to be applied within 60 days. There is a further period of 60 days provided in the Statute for filing the appeal with condone delay petition. Beyond the period of 120 days, the Appellate Authority has no jurisdiction to even to entertain an appeal. In this case, the appeals filed by the petitioner/Management questioning the order passed by the Controlling Authority under the Payment of Gratuity Act was clearly beyond the said period of 120 days. Therefore the Appellate Authority rightly held that the appeals are not maintainable. In that view of the matter the appeals were dismissed as time barred. Impugned orders are very much justifiable. There is no merit in these Writ Petitions.

These Writ petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Joint Commissioner of Labour, Trichy.
2. The Assistant Commissioner of Labour, Dindigul.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 50224
+ 1 CC TO Mr.D.SRINIVASA RAGHAVAN, ADVOCATE IN SR No. 49611
+ 1 CC TO Mr.P.SEETHARAMAN, ADVOCATE IN SR No. 49725

KMI

TE/JC/SAR-3 : 21/06/2018 : 2P/6C

ORDER MADE IN

W.P. (MD) Nos. 964 to 967 of 2018 and
W.M.P. (MD). Nos. 997 to 1000 of 2018

19.02.2018