



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.1564, 1565, 1566 and 1567 of 2015
and
M.P.(MD)Nos.1 and 1 of 2015

W.P. (MD) No.1564 and 1565 of 2015

The Village Panchayat President,
P.Viralipatti Village Panchayat Office,
Viralipatti (post),
Badalakundu(via)
Nilakottai Taluk,
Dindigul District.

... Petitioner in both cases

Vs.

1.The Assistant Commissioner of labour,
(Controlling Authority under the
Payment of Gratuity Act, 1972),
Dindigul.

2.The Block Development Officer,
Badalakundu Block Development Office,
Nilakottai Taluk,
Dindigul District.

3.M.Periyakaruppan

... Respondents in both cases

W.P. (MD) No.1566 and 1567 of 2015

The Village Panchayat President,
P.Viralipatti Village Panchayat Office,
Viralipatti (post),
Badalakundu(via)
Nilakottai Taluk,
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... Petitioner in both cases

Vs.

1.The Assistant Commissioner of labour,
(Controlling Authority under the
Payment of Gratuity Act, 1972),
Dindigul.



2.The Block Development Officer,
Badalakundu Block Development Office,
Nilakottai Taluk,
Dindigul District.

3.P.Palaniammal

... Respondents in both cases

PRAYER in W.P.(MD)No.1564 of 2015 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the proceedings of the Assistant Commissioner of labour, (Controlling Authority under the payment of Gratuity Act, 1972), Dindigul, the first respondent herein vide his order in Case No.B.G.2 of 2013 dated 24.02.2014 and quash the same as illegal and without jurisdiction.

PRAYER in W.P.(MD)No.1565 of 2015 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the proceedings of the Assistant Commissioner of labour, (Controlling Authority under the payment of Gratuity Act, 1972), Dindigul, the first respondent herein vide his order in Na.Ka.No.Aa6/2862/2014 dated 18.09.2014 and quash the same as illegal and without jurisdiction.

PRAYER in W.P.(MD)No.1566 of 2015 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the proceedings of the Assistant Commissioner of labour, (Controlling Authority under the payment of Gratuity Act, 1972), Dindigul, the first respondent herein vide his order in Case No.B.G.14 of 2013 dated 24.02.2014 and quash the same as illegal and without jurisdiction.

PRAYER in W.P.(MD)No.1567 of 2015 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the proceedings of the Assistant Commissioner of labour, (Controlling Authority under the payment of Gratuity Act, 1972), Dindigul, the first respondent herein vide his order in Na.Ka.No.A6/2863/2014 dated 19.09.2014 and quash the same as illegal and without jurisdiction.

(In all writ petitions)

For petitioner : Mr.R.Rajaraman
in all cases

For R1 & R2 : Mrs.S.Srimathi
in all cases Special Government Pleader

For R3 : Mr.D.Selvaraj
in all cases

**COMMON ORDER**

Heard Mr.R.Rajaraman, learned Counsel appearing for the petitioner, Mrs.S.Srimathi, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.D.Selvaraj, learned counsel appearing for the third respondent.

2. The petitioner is the Village Panchayat President. The third respondent herein was the Panchayat employee. The third respondent after reaching the age of superannuation and retirement moved the Controlling Authority for settlement of his Gratuity dues. The Controlling Authority passed an order in his favour. The same was questioned before this Court, on the ground that the employee of Village Panchayat is not entitled to invoke the provisions of Payment of Gratuity Act, 1972. The issue is no longer res integra. This Court in the decision reported in 2004-III-LLJ (Commissioner, Sathyamangalam Municipality Vs. Deputy Commission of Labour, Salem and others) held that the Local Authority also an establishment liable under the Act to Pay gratuity. Therefore, the ground of jurisdiction is not available to the petitioner. On merits also, there is nothing to interfere. The Controlling Authority has taken the last drawn wages of the employee's account and computed the gratuity dues on that basis.

3. These writ petitions stand dismissed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Commissioner of labour,
(Controlling Authority under the
Payment of Gratuity Act, 1972),
Dindigul.

2. The Block Development Officer,
Badalakundu Block Development Office,
Nilakottai Taluk,
Dindigul District.

+4cc to M/S.R.RAJARAMAN, Advocate SR.No.46647.

ORDER MADE IN
W.P. (MD) No.1564, 1565, 1566 and 1567 of 2015
06.02.2018