

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE **V.PARTHIBAN**

W.P.No.21754 of 2019 and
W.M.P.No.20977 of 2019

The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan IIIam, Anna Salai,
Chennai – 600 002.

Petitioner

Vs.

1.The Joint Commissioner of Labour,
D.M.S. Complex, IV Floor,
Teynampet, Anna Salai,
Chennai – 600 006.

2.K.Soundarrajan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records pertaining to the order passed in No.E / 457/ 2018 dated 22.04.2019 on the files of the 1st Respondent and quash the same.

For Petitioner : Mr.M.Chidambaram

For 1st Respondent : Mr.V.Prabhu
Government Advocate

ORDER

The writ petition is filed against the order passed by the appellate authority constituted under the Payment of Gratuity Act rejecting the appeal saying that it was filed belatedly beyond the period of limitation prescribed under Section 7(7) of the Payment of

Gratuity Act, 1972. Section 7(7) of the Gratuity Act reads as under:

"7(7) - Any person aggrieved by an order under sub-section (4) may, within sixty days from the date of the receipt of the order, prefer an appeal to the appropriate Government or such other authority as may be specified by the appropriate Government in this behalf:

Provided that the appropriate Government or the appellate authority, as the case may be, may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days."

2.The statute prescribed a period of 60 days for filing an appeal and a further period of 60 days under the proviso to Section 7. Beyond the extended period of 60 days, no provision exists in the statute for condonation of delay. In the said circumstances, the 1st respondent has rejected the appeal filed by the petitioner Corporation.

3.This Court has time and again held that once the statute has prescribed a particular time limit, this Court cannot extend the time limit by exercising its extraordinary jurisdiction under Article 226 of the Constitution of India. This Court, in the guise of entertaining the writ petition, cannot legislate a new provision which is not found in

the scheme of the Payment of Gratuity Act. Once the period of limitation is prescribed and a further period of condonation is also prescribed, the same has to be scrupulously upheld and no circumstances this Court can entertain any order interfering with such rejection by the appellate authority, which is perfectly in order in terms of the provision of the statute.

4.In view of the same, this Court finds that the Writ Petition is not maintainable and therefore, the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

25.07.2019

Sgl

To

- 1.The Joint Commissioner of Labour,
D.M.S. Complex, IV Floor,
Teynampet, Anna Salai,
Chennai – 600 006.
- 2.The Government Advocate,
High Court, Madras.

W.P.No.21754 of 2019

V.PARTHIBAN, J.

Sgl



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