



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.22380, 22381, 22383, 22386, 22387
and 22431 of 2019

and

W.M.P(MD).Nos. 19175, 19177, 19180, 19185, 19186
and 19218 of 2019

The Regional Manager
Tamil Nadu Civil Supplies Corporation
Tirunelveli Region
Tirunelveli

... Petitioner in all cases

-Vs-

1.The Additional Commissioner of Labour
(Appellate Authority Under
the Payment of Gratuity Act)
Office of the Joint Commissioner of Labour
Madurai

2.The Assistant Commissioner of Labour
(Controlling Authority under the
payment of Gratuity Act)
Office of the Assistant Commissioner of Labour
Tirunelveli

... Respondents 1 & 2
in all cases

S.Moopidathi ...3rd Respondent in WP(MD)No.22380 of 2019

Murugan ...3rd Respondent in WP(MD)No.22381 of 2019

Ambika ...3rd Respondent in WP(MD)No.22383 of 2019

Ulagambal ...3rd Respondent in WP(MD)No.22386 of 2019

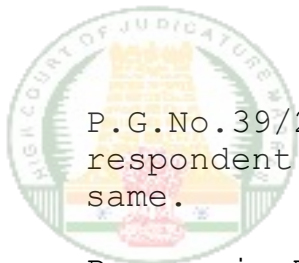
Subramanian ...3rd Respondent in WP(MD)No.22387 of 2019

Pattan ...3rd Respondent in WP(MD)No.22431 of 2019

Prayer in WP(MD). 22380/ 2019 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court Calling for the records,
pertaining to the impugned orders passed by the 2nd respondent in

<https://hjservices.courts.gov.in/hjservices/>



P.G.No.39/2013 dated 20.11.2017 and the order passed by the 1st respondent in Athi.Mu/E/9090/2018 dated 26.12.2018 and quash the same.

Prayer in WP(MD). 22381/ 2019 :

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Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records, pertaining to the impugned orders passed by the 2nd respondent in P.G.No.44/2013 dated 20.11.2017 and the order passed by the 1st respondent in Athi.Mu/E/9089/2018 dated 26.12.2018 and quash the same.

Prayer in WP(MD). 22383/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records, pertaining to the impugned orders passed by the 2nd respondent in P.G.No.40/2013 dated 20.11.2017 and the order passed by the 1st respondent in Athi.Mu/E/9091/2018 dated 26.12.2018 and quash the same.

Prayer in WP(MD). 22386/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records, pertaining to the impugned orders passed by the 2nd respondent in P.G.No.41/2013 dated 20.11.2017 and the order passed by the 1st respondent in Athi.Mu/E/9092/2018 dated 26.12.2018 and quash the same.

Prayer in WP(MD). 22387/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records, pertaining to the impugned orders passed by the 2nd respondent in P.G.No.42/2013 dated 20.11.2017 and the order passed by the 1st respondent in Athi.Mu/E/9093/2018 dated 26.12.2018 and quash the same.

Prayer in WP(MD). 22431/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records, pertaining to the impugned orders passed by the 2nd respondent in P.G.No.43/2013 dated 20.11.2017 and the order passed by the 1st respondent in Athi.Mu/E/9094/2018 dated 26.12.2018 and quash the same.



For Petitioner : Mr.R.Vijayakumar
(In all the Writ Petitions)
For R1 & R2 : Mr.C.M.Mari Chellah Prabhu
Additional Government Pleader
(In all the Writ Petitions)

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COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.

2.These Writ petitions have been filed challenging the order passed by the first respondent, dated 26.12.2018, rejecting the appeal filed by the petitioner against the order passed by the second respondent dated 20.11.2017 .

3.The first respondent rejected the appeal filed by the petitioner on the ground that the appeal was filed beyond 120 days from the date of order of the second respondent. As per Section 7 (7) of the Payment of Gratuity Act, 1972, an aggrieved person has to file an appeal against the order of the Original Authority within a period of 60 days from the date of receipt of the order. The Appellate Authority has power to condone the delay only upto 60 days, if the person, who files appeal giving reason for not filing the appeal within 60 days. The Appellate Authority has no power to condone the delay beyond 60 days.

4.In view of the said statutory provision, the impugned order passed by the first respondent dated 26.12.2018, does not warrant any interference by this Court. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

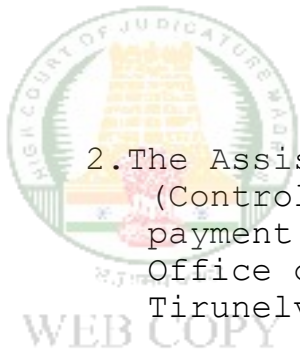
Assistant Registrar (AD-I)

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Sub Assistant Registrar(CS)

msa
To

1.The Additional Commissioner of Labour
(Appellate Authority Under
the Payment of Gratuity Act)
Office of the Joint Commissioner of Labour
Madurai



2.The Assistant Commissioner of Labour
(Controlling Authority under the
payment of Gratuity Act)
Office of the Assistant Commissioner of Labour
Tirunelveli

+6CC to MR.R.VIJAYAKUMAR, Advocate (SR-94158 to 94163 [F] dated
24/10/2019)

+1 CC to SPL GP (SR-94636[F] dated 25/10/2019)

W.P. (MD) Nos.22380, 22381, 22383, 22386, 22387
and 22431 of 2019

and
W.M.P (MD) .Nos. 19175, 19177, 19180, 19185, 19186
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