



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.7859 of 2021
and
W.M.P.No.8389 of 2021

The Chief Engineer / Personnel
Tamil Nadu Generation & Distribution Corporation (TANGEDCO),
No.144, Anna Salai, Chennai - 600 002. ... Petitioner

Vs.

- 1.The Commissioner of Labour,
Office of the Commissioner of Labour,
DMS Campus, Teynampet,
Chennai - 600 006.
- 2.The Deputy Commissioner of Labour - Kovai
Authority Under the Payment of Gratuity Act,
Office of the Joint Commissioner of Labour,
Yercaud Main Road, Kori Medu, Salem - 8.
- 3.The Additional Commissioner of Labour,
Appellate Authority Under the Payment of Gratuity Act,
Combined Labour Department Office Building,
Yercaud Main Road,
Kori Medu, Salem - 8.
- 4.The Deputy Commissioner of Labour,
Authority Under the Payment of Gratuity Act
Combined Labour Department Complex,
Barathiula Salai,
Race Course Colony,
Near Thamarai Thotti,
Madurai - 625 002.
- 6.The Deputy Commissioner of Labour,
The Controlling Authority,
Under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour,
Sengulum Colony, Tirichirapalli,
Tamil Nadu - 620 020.



WEB COPY

7. The Joint Commissioner of Labour,
The Appellate Authority,
Under the Payment of Gratuity Act,
Sengulum Colony,
Tirichirapalli, Tamil Nadu - 620 020.
8. The Deputy Commissioner of Labour,
The Controlling Authority,
Under the Payment of Gratuity Act,
Dindigul Collector Office,
Chettinaickenpatti, Dindigul,
Tamil Nadu - 624 004.
9. The Deputy Commissioner of Labour - Tirunelveli,
The Controlling Authority,
Under the Payment of Gratuity Act,
Combined Labour Department Office Buildings,
Opp to All India Radio, Konam,
Nagercoil - 629 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner in letter No. 015206/90/G.191/2020, dated 21.01.2021, further direct the 1st respondent to issue communication to the respondents 2 to 9 instructing them not to entertain any application under the Payment of Gratuity Act 1972 against the petitioner contrary to the exemption granted under Section 5 of the Payment of Gratuity Act 1972 in G.O.Ms.No.699 dated 16.03.1983.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co.

For Respondents : Mr.B.Anand
Government Advocate

O R D E R

The grievance of the petitioner is that they are exempted from the purview of Payment of Gratuity Act, 1972. However, without considering the same, lot of claims from the individuals are entertained by the Authorities, despite objections in this regard. The petitioner has made a representation to the first respondent for passing appropriate orders. The representation dated 21.01.2021, was received by the first respondent on 01.02.2021, but no orders were passed nor suitable instructions were issued to the authorities under Payment of Gratuity Act, 1972.



2. Considering the facts and circumstances, without going into the merits of the case, this Court is inclined to direct the first respondent to consider the representation of the petitioner dated 21.01.2021 on merits and in accordance with law and dispose of the same within a period of four weeks from the date of receipt of a copy of this order. Till such time, the pending proceedings before the respondents 2 to 9 shall be kept in abeyance.

3. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Pns

To

- 1.The Commissioner of Labour,
Office of the Commissioner of Labour,
DMS Campus, Teynampet,
Chennai - 600 006.
- 2.The Deputy Commissioner of Labour - Kovai
Authority Under the Payment of Gratuity Act,
Office of the Joint Commissioner of Labour,
Yercaud Main Road, Kori Medu, Salem - 8.
- 3.The Additional Commissioner of Labour,
Appellate Authority Under the Payment of Gratuity Act,
Combined Labour Department Office Building,
Yercaud Main Raod, Kori Medu, Salem - 8.
- 4.The Deputy Commissioner of Labour,
Authority Under the Payment of Gratuity Act
Combined Labour Department Complex,
Barathiula Salai,
Race Course Colony,
Near Thamarai Thotti,
Madurai - 625 002.
- 6.The Deputy Commissioner of Labour,
The Controlling Authority,
Under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour,



Sengulum Colony, Tirichirapalli,
Tamil Nadu - 620 020.

7. The Joint Commissioner of Labour,
The Appellate Authority,
Under the Payment of Gratuity Act,
Sengulum Colony,
Tirichirapalli, Tamil Nadu - 620 020.
8. The Deputy Commissioner of Labour,
The Controlling Authority,
Under the Payment of Gratuity Act,
Dindigul Collector Office,
Chettinaickenpatti, Dindigul,
Tamil Nadu - 624 004.
9. The Deputy Commissioner of Labour - Tirunelveli,
The Controlling Authority,
Under the Payment of Gratuity Act,
Combined Labour Department Office Buildings,
Opp to All India Radio, Konam,
Nagercoil - 629 004.

+1 CC to M/s.T.S. Gopalan & Co, sr 19792.

W.P.No.7859 of 2021

PMK(CO)
SP(16/07/2021)