



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NOS.9599, 10291, 10316, 10312, 10570, 10308, 12013,
12056, 12676, 12908, 21647, 12003, 25750, 25793, 25861, 25846,
25758, 25865, 25844, 25860, 25803, 25850, 25773, 25853, 25777,
25833, 25871, 25875, 25867, 25869, 25787, 25792, 25796, 25799,
25801, 25783, 34550, 34553, 34557, 34572, 34764, 34781, 34780,
34775, 34779, 34770, 34783, 34768, 34784, 34787 OF 2019;
13091, 13141, 13145, 13127, 13133, 13095, 13096, 13136, 13147,
13121, 13125, 13129, 13126, 13128, 13140, 13146, 13131,
13144, 13124, 8325, 8339, 8331, 9720, 9725 OF 2021

AND

W.M.P.NOS.10208 & 10209 & BATCH ETC.

THE MANAGING DIRECTOR,
SALEM CO-OPERATIVE SUGAR MILLS LTD.,
MOHANUR,
NAMAKKAL DISTRICT.

... Petitioner in W.P.Nos.9599, 10291,
10316, 10312, 10570, 10308, 12013,
12056, 12676, 12908, 12003, 34550,
34553, 34557, 34572, 34764, 34781,
34780, 34775, 34779, 34770, 34783,
34768, 34784, 34787 of 2019 and
13091, 13141, 13145, 13127, 13133,
3095, 13096, 13136, 13147, 13121,
13125, 13129, 13126, 13128, 13140,
13146, 13131, 13144, 13124, 8325,
8339, 8331, 9720, 9725 of 2021

THE MANAGING DIRECTOR,
AMARAVATHI COOPERATIVE SUGAR MILLS LTD.,
KRISHANPURAM - 642 111,
TIRUPUR DISTRICT.

... Petitioner in
W.P.No.21647 of 2019



THE MANAGING DIRECTOR,
TIRUPATTUR CO-OPERATIVE SUGAR MILLS LTD.,
KETHANDAPATTI - 635 815,
VELLORE DISTRICT.

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... Petitioner in W.P.Nos.25750, 25793,
25861, 25846, 25758, 25865, 25844, 25860,
25803, 25850, 25773, 25853, 25777, 25833,
25871, 25875, 25867, 25869, 25787, 25792,
25796, 25799, 25801, 25783 of 2019

-Versus-

1	POOTHAYEE	... 1 st Respondent in W.P.No.9599 of 2019
1	K.VADIVELU	... 1 st Respondent in W.P.No.10291 of 2019
1	S.CHELLAMUTHU	... 1 st Respondent in W.P.No.10316 of 2019
1	M.KUPPUSAMY	... 1 st Respondent in W.P.No.10312 of 2019
1	K.PERIYASAMY (DECEASED)	... 1 st Respondent in W.P.No.10570 of 2019
1	T.BHOMMUSAMY	... 1 st Respondent in W.P.No.10308 of 2019
1	V.MANICKAM	... 1 st Respondent in W.P.No.12013 of 2019
1	R.PALANISAMY	... 1 st Respondent in W.P.No.12056 of 2019
1	S.SHANMUGAM	... 1 st Respondent in W.P.No.12676 of 2019
1	P.MUTHULU	... 1 st Respondent in W.P.No.12908 of 2019
1	THE JOINT COMMISSIONER OF LABOUR/ APPELLATE AUTHORITY, COIMBATORE - 641 018.	



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2 THE ASSISTANT COMMISSIONER OF LABOUR,
CONTROLLING AUTHORITY,
COIMBATORE - 641 018.

... 1st & 2nd Respondents in
W.P.No.21647 of 2019

1 K.PONNUSAMY

... 1st Respondent in
W.P.No.12003 of 2019

2 THE ASSISTANT COMMISSIONER OF LABOUR,
O/O. THE DEPUTY COMMISSIONER OF LABOUR,
SALEM.

3 THE APPELLATE AUTHORITY/
JOINT COMMISSIONER OF LABOUR,
COIMBATORE - 18.

... 2nd & 3rd Respondent in W.P.Nos.9599,
10291, 10316, 10312, 10570, 10308,
12013, 12056, 12676, 12908,
12003 of 2019

4 P.GNANASEKARAN
(R4 SUBSTITUTED AS LR OF DECEASED
FIRST RESPONDENT VIDE ORDER DATED
29/10/2021 MADE IN W.M.P.NO.35636
OF 2019 IN W.P.NO.10570 OF 2019)

... 4th Respondent in
W.P.No.10570 of 2019

3 RESIYA BEGAM

... 3rd Respondent in
W.P.No.21647 of 2019

1 R.CHANDRA BOSE

... 1st Respondent in
W.P.No.25750 of 2019

1 A.ARULANANDAM

... 1st Respondent in
W.P.No.25793 of 2019

1 C.BAKTHAVACHALAM

... 1st Respondent in
W.P.No.25861 of 2019

1 D.TAMILARASU

... 1st Respondent in
W.P.No.25846 of 2019



1 C.GOPAL

1 T.P.JEYAVELU

WEB COPY

1 M.ELANGO VAN

1 V.KUDIYAN

1 M.SET JANAKIRAMAN

1 N.KRISHNAN

1 D.PRAKASAM

1 C.KUPPUSAMY

1 P.H.KANAKARAJ

1 A.DHAKSHINAMOORTHY

1 K.JAGADEESAN

1 K.SIVALINGAM

1 P.JAYARAMAN

1 B.GOVINDAN

1 K.AZHAGESAN

1 G.KRISHNAN

... 1st Respondent in
W.P.No.25758 of 2019

... 1st Respondent in
W.P.No.25865 of 2019

... 1st Respondent in
W.P.No.25844 of 2019

... 1st Respondent in
W.P.No.25860 of 2019

... 1st Respondent in
W.P.No.25803 of 2019

... 1st Respondent in
W.P.No.25850 of 2019

... 1st Respondent in
W.P.No.25773 of 2019

... 1st Respondent in
W.P.No.25853 of 2019

... 1st Respondent in
W.P.No.25777 of 2019

... 1st Respondent in
W.P.No.25833 of 2019

... 1st Respondent in
W.P.No.25871 of 2019

... 1st Respondent in
W.P.No.25875 of 2019

... 1st Respondent in
W.P.No.25867 of 2019

... 1st Respondent in
W.P.No.25869 of 2019

... 1st Respondent in
W.P.No.25787 of 2019

... 1st Respondent in
W.P.No.25792 of 2019



1 R.K.BOOPATHI

... 1st Respondent in
W.P.No.25796 of 2019

1 C.CHINATHAMBI

... 1st Respondent in
W.P.No.25799 of 2019

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1 K.T.SARANGAN

... 1st Respondent in
W.P.No.25801 of 2019

1 A.MICHEAL

... 1st Respondent in
W.P.No.25783 of 2019

2 THE ASSISTANT COMMISSIONER OF LABOUR,
(CONTROLLING AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT, 1972),
O/o. THE DEPUTY COMMISSIONER OF LABOUR,
VELLORE - 1.

3 THE APPELLATE AUTHORITY/
ADDITIONAL COMMISSIONER OF LABOUR,
APPELLATE AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT, 1972),
VI FLOOR, D.M.S. COMPLEX,
TEYNAMPET, CHENNAI - 600 006.

... 2nd & 3rd Respondent in W.P.Nos.25750,
25793, 25861, 25846, 25758, 25865, 25844,
25860, 25803, 25850, 25773, 25853, 25777,
25833, 25871, 25875, 25867, 25869, 25787,
25792, 25796, 25799, 25801, 25783 of 2019

1 THE APPELLATE AUTHORITY/
ADDITIONAL COMMISSIONER OF LABOUR,
(APPELLATE AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT, 1972),
COIMBATORE.

2 THE CONTROLLING OFFICER,
UNDER THE PAYMENT OF GRATUITY ACT, 1972,
OFFICE OF THE JOINT COMMISSIONER OF LABOUR,
SALEM.

... 1st & 2nd Respondent in W.P.Nos.34550,
34553, 34557, 34572, 34764, 34781,
34780, 34775, 34779, 34770, 34783,
34768, 34784, 34787 of 2019



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- 1 THE APPELLATE AUTHORITY/
ADDITIONAL COMMISSIONER OF LABOUR,
(APPELLATE AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT, 1972)
COIMBATORE - 18.
- 2 THE JOINT COMMISSIONER OF LABOUR,
(CONTROLLING AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT, 1972)
OFFICE OF THE JOINT COMMISSIONER OF LABOUR,
SALEM.

... 1st & 2nd Respondent in W.P.Nos.13091,
13141, 13145, 13127, 13133, 13095,
13096, 13136, 13147, 13121, 13125,
13129, 13126, 13128, 13140, 13146,
13131, 13144, 13124 of 2021

- 1 THE APPELLATE AUTHORITY/
ADDITIONAL COMMISSIONER OF LABOUR,
(APPELLATE AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT, 1972),
COIMBATORE - 18.
- 2 THE ASSISTANT COMMISSIONER OF LABOUR,
(CONTROLLING AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT, 1972),
OFFICE OF THE DEPUTY COMMISSIONER OF LABOUR,
SALEM.

... 1st & 2nd Respondent in W.P.Nos.8325,
8331, 8339, 9720, 9725 of 2021

- 3 P.MARIAPPAN ... 3rd Respondent in
W.P.No.34550 of 2019
- 3 K.M.SUBRAMANIAM ... 3rd Respondent in
W.P.No.34553 of 2019
- 3 SANJEEVI K ... 3rd Respondent in
W.P.No.34557 of 2019
- 3 S.THANGAVEL ... 3rd Respondent in
W.P.No.34572 of 2019
- 3 P.MALARVIZHI ... 3rd Respondent in
W.P.No.34764 of 2019
- 3 P.KUPPUSAMY ... 3rd Respondent in
W.P.No.34781 of 2019



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3 K.THANGAVEL

... 3rd Respondent in
W.P.No.34780 of 2019

3 M.SUBRAMANIAM

... 3rd Respondent in
W.P.No.34775 of 2019

3 P.SADASIVAM

... 3rd Respondent in
W.P.No.34779 of 2019

3 K.SIVASHANMUGAM

... 3rd Respondent in
W.P.No.34770 of 2019

3 S.VENKATACHALAM

... 3rd Respondent in
W.P.No.34783 of 2019

3 P.NAVALADIKARUPANNAN

... 3rd Respondent in
W.P.No.34768 of 2019

3 CHINNAPAIYAN

... 3rd Respondent in
W.P.No.34784 of 2019

3 M.VELUSAMY

... 3rd Respondent in
W.P.No.34787 of 2019

3 P.NALLIGOUNDAR

... 3rd Respondent in
W.P.No.13091 of 2021

3 G.VARATHARAJAN (DECEASED)

4 V.CHELLAMMAL

5 V.GUNSEKARAN

6 V.MANIKANDAN

7 V.NADHINI

... 3rd to 7th Respondents in
W.P.No.13141 of 2021

(R4 TO R7 SUBSTITUTED AS LR'S OF
THE DECEASED THIRD RESPONDENT
VIDE ORDER DATED 29/10/2021
MADE IN W.M.P.NO.17929 OF 2021
IN W.P.NO.13141 OF 2021)

3 P.KONDASAMY

... 3rd Respondent in
W.P.No.13127 of 2021

3 M.SINGARAM

... 3rd Respondent in
W.P.No.13145 of 2021



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3 K.KARUPPAKANTHAN

... 3rd Respondent in
W.P.No.13133 of 2021

3 K.PALANISAMY

... 3rd Respondent in
W.P.No.13095 of 2021

3 C.GANESAN

... 3rd Respondent
in W.P.No.13096 of 2021

3 M.SUBRAMANI

... 3rd Respondent in
W.P.No.13136 of 2021

3 NATARAJAN (DECEASED)

4 N.THAMILARASI

5 N.MEENA

6 N.SARAVANAN

... 3rd to 6th Respondents
in W.P.No.13147 of 2021

(R4TO R6 SUBSTITUTED AS LR'S OF
DECEASED THIRD RESPONDENT VIDE
ORDER DATED 29/10/2021 MADE IN
W.M.P.NO.17937 OF 2021 IN
W.P.NO.13147 OF 2021)

3 V.THANGAVEL

... 3rd Respondent in
W.P.No.13121 of 2021

3 P.MURUGESAN

... 3rd Respondent in
W.P.No.13125 of 2021

3 M.MANI

... 3rd Respondent in
W.P.No.13129 of 2021

3 V.GURUSAMY

... 3rd Respondent in
W.P.No.13126 of 2021

3 R.MUTHUSAMY

... 3rd Respondent in
W.P.No.13128 of 2021

3 R.RAMASAMY

... 3rd Respondent in
W.P.No.13140 of 2021

3 D.RAMAKRISHNAN

... 3rd Respondent in
W.P.No.13146 of 2021



3 N.MURUGESAN

... 3rd Respondent in
W.P.No.13131 of 2021

3 N.VELUSAMY

... 3rd Respondent in
W.P.No.13144 of 2021

3 P.LOGANATHAN

... 3rd Respondent in
W.P.No.13124 of 2021

3 S.ANBAZHAGAN

... 3rd Respondent in
W.P.No.8325 of 2021

3 K.SELVAMANI

... 3rd Respondent in
W.P.No.8331 of 2021

3 V.DHARMALINGAM

... 3rd Respondent in
W.P.No.8339 of 2021

3 B.PURUSHOTHAMAN

... 3rd Respondent in
W.P.No.9720 of 2021

3 K.KAALIYANNAN

... 3rd Respondent in
W.P.No.9725 of 2021

COMMON PRAYER:-

These Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari;

PRAYER IN W.P.NO.9599 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.38 of 2018 on the file of the 3rd Respondent and order dated 27.02.2018 passed in P.G.No.250 of 2016 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.10291 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.43 of 2018 on the file of the 3rd respondent and order dated 27.02.2018 passed in P.G.No.195 of 2016 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.



PRAYER IN W.P.NO.10316 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.48 of 2018 on the file of the 3rd respondent and order dated 27.02.2018 passed in P.G.No.144 of 2016 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.10312 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.40 of 2018 on the file of the 3rd respondent and order dated 27.02.2018 passed in P.G.No.252 of 2016 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.10570 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.47 of 2018 on the file of the 3rd Respondent and order dated 27.02.2018 passed in P.G.No.145 of 2016 on the file of the 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.10308 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.42 of 2018 on the file of the 3rd respondent and order dated 27.02.2018 passed in P.G.No.196 of 2016 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.12013 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.44 of 2018 on the file of the 3rd respondent and order dated 27.02.2018 passed in P.G.No.148 of 2016 on the file of the 2nd respondent and quash the same.

PRAYER IN W.P.NO.12056 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.45 of 2018 on the file of the 3rd Respondent and order dated 27.02.2018 passed in P.G.No.147 of 2016 on the file of the 2nd Respondent and quash the same as



being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.12676 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.41 of 2018 on the file of the 3rd Respondent and order dated 27.02.2018 passed in P.G.No.197 of 2016 on the file of the 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.12908 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.39 of 2018 on the file of the 3rd respondent and order dated 27.02.2018 passed in P.G.No.251 of 2016 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.21647 OF 2019:-

Calling for the records of the First Respondent relating to his order in P.G.A.No.14 of 2017 dated 30.04.2018 confirming the Second Respondents order in G.A.No.45 of 2014 DATED NIL 10.2016 AND QUASH both the orders.

PRAYER IN W.P.NO.12003 OF 2019:-

Calling for the records relating to the order dated 12.12.2018 passed in A.G.A.No.46 of 2018 on the file of the 3rd respondent and order dated 27.02.2018 passed in P.G.No.146 of 2016 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25750 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.174 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.40 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25793 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.178 of 2017 on the file of the



3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.44 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

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PRAYER IN W.P.NO.25861 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.196 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.62 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25846 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.177 of 2015 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.43 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25758 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.182 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.48 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25865 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.191 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.57 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25844 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.181 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.47 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.



PRAYER IN W.P.NO.25860 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.184 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.50 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25803 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.188 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.54 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25850 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.175 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.41 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25773 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.176 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.42 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25853 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.186 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.52 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25777 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.185 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed



in P.G.No.51 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25833 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.194 of 2017 on the file of the 3rd Respondent and conforming the order dated 09.12.2016 passed in P.G.No.60 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25871 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.183 of 2017 on the file of the 3rd Respondent and conforming the order dated 09.12.2016 passed in P.G.No.49 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25875 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.189 of 2017 on the file of the 3rd Respondent and conforming the order dated 09.12.2016 passed in P.G.No.55 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25867 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.195 of 2017 on the file of the 3rd Respondent and conforming the order dated 09.12.2016 passed in P.G.No.61 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25869 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.179 of 2017 on the file of the 3rd Respondent and conforming the order dated 09.12.2016 passed in P.G.No.45 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.



PRAYER IN W.P.NO.25787 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.180 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.46 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25792 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.93 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.59 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25796 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.187 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.53 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25799 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.197 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.63 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25801 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.190 of 2017 on the file of the 3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.56 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.25783 OF 2019:-

Calling for the records relating to the order dated 27.08.2018 passed in P.G.A.No.192 of 2017 on the file of the



3rd Respondent and confirming the order dated 09.12.2016 passed in P.G.No.58 of 2015 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

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PRAYER IN W.P.NO.34550 OF 2019:-

Calling for the records relating to the order dated 20.9.2019 passed in A.G.A.No.48 of 2019 on the file of the 1st Respondent by confirming the order dated 06.03.2019 passed in P.G.No.552 of 2017 on the file of the 2nd respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34553 OF 2019:-

Calling for the records relating to the order dated 20.9.2019 passed in A.G.A.No.50 of 2019 on the file of the 1st Respondent by confirming the order dated 06.03.2019 passed in P.G.No.553 of 2017 on the file of the 2nd respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34557 OF 2019:-

Calling for the records relating to the order dated 20.9.2019 passed in A.G.A.No.51 of 2019 on the file of the 1st Respondent by confirming the order dated 06.03.2019 passed in P.G.No.554 of 2017 on the file of the 2nd respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34572 OF 2019:-

Calling for the records relating to the order dated 20.09.2019 passed in A.G.A.No.49 of 2019 on the file of the 1st Respondent by confirming the order dated 06.03.2019 passed in P.G.No.555 of 2017 on the file of the 2nd respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34764 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.29 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.44 of 2018 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.



PRAYER IN W.P.NO.34781 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.32 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.571 of 2017 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34780 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.38 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.585 of 2017 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34775 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.36 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.583 of 2017 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34779 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.35 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.582 of 2017 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34770 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.37 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.584 of 2017 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34783 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.31 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in



P.G.No.45 of 2018 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34768 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.34 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.581 of 2017 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34784 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.30 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.43 of 2018 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.34787 OF 2019:-

Calling for the records relating to the order dated 10.09.2019 passed in A.G.A.No.33 of 2019 on the file of the 1st Respondent by conforming the order dated 03.01.2019 passed in P.G.No.580 of 2017 on the file of the 2nd Respondent herein and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13091 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.11 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.84 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13141 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.16 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in P.G.No.95 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.



PRAYER IN W.P.NO.13145 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.15 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in P.G.No.91 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13127 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.18 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in P.G.No.97 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13133 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.17 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in P.G.No.96 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13095 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.12 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.85 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13096 OF 2021:-

Calling for the records relating to impugned orders dated 3.11.2020 passed in A.G.A.No.13 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.88 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13136 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.19 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in



P.G.No.98 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13147 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.14 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in P.G.No.87 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13121 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.01 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in P.G.No.74 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13125 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.06 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.79 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13129 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.09 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.82 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13126 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.07 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.80 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.



PRAYER IN W.P.NO.13128 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.04 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in P.G.No.77 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13140 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.02 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.75 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13146 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.05 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.78 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13131 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.08 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.81 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13144 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.10 of 2020 on the file of 1st respondent by conforming the order dated 06.06.2019 passed in P.G.No.83 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.13124 OF 2021:-

Calling for the records relating to impugned orders dated 03.11.2020 passed in A.G.A.No.03 of 2020 on the file of 1st Respondent by conforming the order dated 06.06.2019 passed in



P.G.No.76 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.8325 OF 2021:-

Calling for the records relating to impugned orders dated 18.11.2020 passed in A.G.A.No.93 of 2019 on the file of 1st respondent by conforming the order dated 19.6.2019 passed in P.G.No.8 of 2019 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.8339 OF 2021:-

Calling for the records relating to impugned orders dated 18.11.2020 passed in A.G.A.No.94 of 2019 on the file of 1st respondent by conforming the order dated 19.06.2019 passed in P.G.No.09 of 2019 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.8331 OF 2021:-

Calling for the records relating to impugned orders dated 18.11.2020 passed in A.G.A.No.97 of 2019 on the file of 1st respondent by conforming the order dated 19.06.2019 passed in P.G.No.66 of 2018 on the file of 2nd Respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.9720 OF 2021:-

Calling for the records relating to impugned orders dated 18/11/2020 passed in A.G.A.No.95 of 2019 on the file of the 1st respondent by conforming the order dated 19/06/2019 passed in P.G.No.64 of 2018 on the file of 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.

PRAYER IN W.P.NO.9725 OF 2021:-

Calling for the records relating to impugned orders dated 18/11/2020 passed in A.G.A.No.96 of 2019 on the file of the 1st respondent by conforming the order dated 19/06/2019 passed in P.G.No.65 of 2018 on the file of 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional.



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COUNSEL FOR APPELLANTS

M/s.R.Bala Ramesh : In all W.P's
Mr.A.Praveenkumar : In W.P.No.21647 of 2019

COUNSEL FOR RESPONDENTS

M/s.K.M.Ramesh : For 1st Respondent in
W.P.Nos.9599, 10291, 10316,
10312, 10570, 10308, 12013,
12056, 12676, 12908, 12003
of 2019

For the 3rd Respondent in
W.P.Nos.34764, 34781, 34780,
34775, 34779, 34770, 34783,
34768, 34784, 34787 of 2019,
13091, 13141, 13145, 13127,
13133, 13095, 13096, 13136,
13147, 13121, 13125, 13129,
13126, 13128, 13140, 13146,
13131, 13144, 13124, 8325,
8331, 8339 of 2021

M/s.S.T.Varadarajulu : For the 1st Respondent in
W.P.Nos.25750, 25793, 25861,
25846, 25758, 25865, 25844,
25860, 25803, 25850, 25773,
25853, 25777, 25833, 25871,
25875, 25867, 25787, 25792,
25796, 25799, 25801, 25783
of 2019

M/s.S.Arumugam : For 2nd and 3rd Respondents
in W.P.Nos.9599, 10291, 10316,
10312, 10570, 10308, 12013,
12056, 12676, 12908, 12003,
25750, 25793, 25861, 25846,
25758, 25865, 25844, 25860,
25803, 25850, 25773, 25853,
25777, 25833, 25871, 25875,
25867, 25869, 25787, 25792,
25796, 25799, 25801, 25783
of 2019



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For 1st and 2nd Respondents
in W.P.Nos.34550, 34553, 34557,
34572, 34764, 34781, 34780,
34775, 34779, 34770, 34783,
34768, 34784, 34787 of 2019,
13091, 13141, 13145, 13127,
13133, 13095, 13096, 13136,
13147, 13121, 13125, 13129,
13126, 13128, 13140, 13146,
13131, 13144, 13124, 8325,
8331, 8339, 9720 & 9725
of 2021, 21647 of 2019

M/s.K.V.Shanmuganatham : For the 3rd Respondent in
W.P.Nos.34550, 34553, 34557,
34572 of 2019

For 3rd Respondent
No Appearance in
W.P.No.21647 of 2019

For 1st Respondent
Not Ready for Notice in
W.P.No.25869 of 2019

For 3rd Respondent
Not Ready for Notice in
W.P.Nos.59720 and 9725
of 2021

C O M M O N O R D E R

The present Writ Petition is heard through Video Conferencing on 29.10.2021.

2. In all these Writ Petitions, the petitioner herein, which is a Co-operative Sugar Mill, have challenged the orders of the Original Authority and the Appellate Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as "The Act"), whereby the Authorities had ordered for payment of gratuity to the respondents workmen. The main ground taken by the petitioner/Management is that the petitioner/Co-operative Sugar Mill is a Seasonal Establishment and all these respondents/workmen were Non Mazdoor Roll employees and therefore could be entitled for gratuity at the rate of seven days wages for each season, as per the second proviso to Section 4 of the Act. Another ground raised is that, the onus of proving the completion of 240 days of continuous service was on the workmen



3. The learned counsel appearing for the respondents/workmen on the other hand, would submit that, these respondents were not under seasonal employment at all and the petitioner/Co-operative Sugar Mill was also not a Seasonal Establishment and therefore there was no infirmity in the orders of the Authorities. At the outset, it requires to be mentioned here that admittedly, the Government had neither declared the petitioner/Co-operative Sugar Mill as a Seasonal Establishment nor was the employment of any section of their employees declared as seasonal workers. Since the petitioner's claim that these workers are entitled for only seven days wages, per season as provided under the second proviso to Section 4 of the Act, it is crucial that the nature of the petitioner Co-operative Sugar Mill should be substantiated.

5. The petitioner herein had relied upon various decisions to show that since the workmen had taken a stand that they are continuous service in the Co-operative Sugar Mill and sought for payment of gratuity, the onus is on them to prove the same. The decisions relied upon by the learned counsel need not be addressed since even in Labour Laws, there is an initial burden cast on the workmen to prove their claim of continuous service. In the present case in hand, such initial burden has been complied with by them and therefore, it is for the Management to substantiate that these workmen were not in continuous service



at all. In this background, when the impugned orders were perused, it is seen that apart from the attendance register, the petitioner had not produced any other documents like the salary disbursement registers, bonus payment registers, minimum wages registers, etc. The Original Authority had placed reliance on the oral evidence adduced by M.W.1, wherein the witness had admitted that, the documents which they had not produced would substantiate the factum of continuous service and thereby had come to the conclusion that the workers were in continuous service under the petitioner Management. Having failed to produce the relevant documents to substantiate their claim and when the workers have already established their initial burden of proving the case, I do not find any reason to interfere with the impugned orders on this ground also.

6. In all these cases, both the Original Authority, as well as the Appellate Authority, have rendered concurrent findings by holding that the respondents workmen are entitled for payment of gratuity for their respective period of continuous services. This Court exercising its powers under Article 226 of the Constitution of India, will not interfere with such concurrent findings or re-appraise the evidences, unless such findings are "perverse" or based on "No Evidence". None of the grounds raised by the petitioner Management are questioning the perversity in the impugned orders or that these orders are based on "No Evidence". As such, I do not find any merits in the present Writ Petitions. Accordingly, all the Writ Petitions stand dismissed. In view of the dismissal of the present Writ Petitions, the concerned respondent workmen are at liberty to approach the appropriate authority seeking for withdrawal of the amounts deposited by the petitioner Management, by filing of appropriate applications. Consequently, the connected Miscellaneous Petition (s) is/are closed. There shall be no orders as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

DP

To

1. The Appellate Authority/
Joint Commissioner of Labour,
Coimbatore - 18.



2. The Assistant Commissioner of Labour,
O/o. The Deputy Commissioner of Labour,
Salem.

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3. The Assistant Commissioner of Labour,
(Controlling Authority under the
Payment of Gratuity Act, 1972),
O/o. The Deputy Commissioner of Labour,
Vellore - 1.

4. The Appellant Authority/
Additional Commissioner of Labour,
(Appellate Authority under the
Payment of Gratuity Act, 1972),
VI Floor, D.M.S.Complex,
Teynampet, Chennai - 600 006.

5. The Joint Commissioner of Labour/
The Appellate Authority,
Coimbatore - 18.

6. The Controlling Officer,
O/o. The Joint Commissioner of Labour,
Salem.

7. The Assistant Commissioner of Labour,
Controlling Authority,
Coimbatore - 641 018.

+65ccs to M/s.R.Balaramesh, Advocate, S.R.Nos.56902, 56870,
56869, 56874, 56872, 56873, 56903,
56901, 56910, 56884, 56904, 56831,
56832, 56908, 56895, 56893, 56894,
56856, 56905, 56906, 56909, 56875,
56829, 56830, 56907, 56885, 56827,
56826, 56828, 56890, 56889, 56879,
56878, 56855, 56891, 56854, 56853,
56852, 56851, 56849, 56850, 56892,
56888, 56887, 56883, 56882, 56881,
56846, 56846, 56845, 56844, 56842,
56843, 56841, 56848, 56840, 56839,
56838, 56837, 56834, 56835, 56833,
56880, 56877, 56958 & 56876



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+39ccs to M/s.K.M.Ramesh, Advocate, S.R.Nos.56773, 56778, 56780,
56745, 56747, 56743, 56753, 56785,
56787, 56762, 56763, 56767, 56766,
56751, 56768, 56769, 56772, 56746,
56759, 56760, 56774, 56775, 56776,
56777, 56781, 56779, 56783, 56761,
56764, 56765, 56756, 56757, 56758,
56755, 56752, 56754, 56748, 56749,
56750 & 56744

+16ccs to Special Government Pleader, S.R.Nos.57199, 57200,
57196, 57197, 57178, 57191, 57183,
57182, 57180, 57181, 57179, 57184,
57193, 57194, 57198 & 57195

+1cc to M/s.S.T.Varadarajulu, Advocate, S.R.No.56387

+1cc to M/s K.V.Shanmuganathan, Advocate, S.R.No.56543

W.P.NOS.9599, 10291, 10316, 10312, 10570, 10308,
12013, 12056, 12676, 12908, 21647, 12003, 25750,
25793, 25861, 25846, 25758, 25865, 25844, 25860,
25803, 25850, 25773, 25853, 25777, 25833, 25871,
25875, 25867, 25869, 25787, 25792, 25796, 25799,
25801, 25783, 34550, 34553, 34557, 34572, 34764,
34781, 34780, 34775, 34779, 34770, 34783, 34768,
34784, 34787 OF 2019;
13091, 13141, 13145, 13127, 13133, 13095, 13096,
13136, 13147, 13121, 13125, 13129, 13126, 13128
13140, 13146, 13131, 13144, 13124, 8325, 8339,
8331, 9720, 9725 OF 2021 AND
W.M.P.NOS.10208 & 10209 & BATCH ETC.

RP (CO)
PBS/27/01/2022