



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021
CORAM

WEB COPY

THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P.Nos. 18623, 18625, 18628, 18629 and
18632 of 2020
and
WMP.Nos. 23096,
23097, 23099, 23100, 23102, 23103, 23106, 23107, 23110 and
23111 of 2020

The Managing Director,
Vellore Co-operative Sugar Mills Ltd.,
Katpadi Taluk - 632519
Vellore District

..Petitioner in
all WPs

Vs

1. The Appellate Authority
/Additional Commissioner of Labour,
(Appellate Authority under the
Payment of Gratuity Act, 1972)
VI Floor, D.M.S. Complex,
Teynampet, Chennai-600006.
2. The Assistant Commissioner of Labour,
(Controlling Authority under the
Payment of Gratuity Act, 1972)
Office of the Deputy Commissioner of Labour,
Vellore - 1. ..Respondents 1&2
in all WPs
3. V. Vilvanathan ..3rd Respondent in W.P.No.18623
of 2020
4. S.T. Jayaseelan ..3rd Respondent in W.P.No.18625
of 2020
5. E. Rajagopal ..3rd Respondent in W.P.No.18628
of 2020
6. P. Murugesan ..3rd Respondent in W.P.No.18629
of 2020
7. L.K. Baskaran ..3rd Respondent in W.P.No.18632
of 2020

Prayer in W.P.No.18623 of 2020: Writ Petition is filed under Article 226 of Constitution of India for Writ of Certiorari, calling for the records relating to the order dated 25.9.2020 passed in Appeal No. O.Mu / E / 2154 / 2020 on the file of the 1st Respondent and order dated 30.6.2017 passed in P.G.No.66 of 2016 on the file of the 2nd Respondent herein and quash the same as being illegal arbitrary and unconstitutional.



Prayer in W.P.No.18625 of 2020: Writ Petition is filed under Article 226 of Constitution of India for Writ of Certiorari, calling for the records relating to the order dated 25.9.2020 passed in Appeal No. O.Mu / E / 2156 / 2020 on the file of the 1st Respondent and order dated 9.6.2017 passed in P.G.No.116 of 2016 on the file of the 2nd Respondent herein and quash the same as being illegal arbitrary and unconstitutional.

Prayer in W.P.No.18628 of 2020: Writ Petition is filed under Article 226 of Constitution of India for Writ of Certiorari, calling for the records relating to the order dated 25.9.2020 passed in Appeal No. O.Mu / E / 2157 / 2020 on the file of the 1st Respondent and order dated 9.6.2017 passed in P.G.No.117 of 2016 on the file of the 2nd Respondent herein and quash the same as being illegal arbitrary and unconstitutional.

Prayer in W.P.No.18629 of 2020: Writ Petition is filed under Article 226 of Constitution of India for Writ of Certiorari, calling for the records relating to the order dated 25.9.2020 passed in Appeal No. O.Mu / E / 2155 / 2020 on the file of the 1st Respondent and order dated 9.6.2017 passed in P.G.No.118 of 2016 on the file of the 2nd Respondent herein and quash the same as being illegal arbitrary and unconstitutional.

Prayer in W.P.No.18632 of 2020: Writ Petition is filed under Article 226 of Constitution of India for Writ of Certiorari, calling for the records relating to the order dated 25.9.2020 passed in Appeal No. O.Mu / E / 2158 / 2020 on the file of the 1st Respondent and order dated 9.6.2017 passed in P.G.No.119 of 2016 on the file of the 2nd Respondent herein and quash the same as being illegal arbitrary and unconstitutional.

For Petitioner : Mr. Mr.R.Bala Ramesh
(in all WPs)

For Respondents : Mr.S.Arumugam, Govt. Counsel
(in all WPs) - R1&R2
Mr.R.Vimal - R3

COMMON ORDER

Under section 7(7) of the Payment of Gratuity Act, 1972, any person aggrieved by the order of the original authority passed under Section 7(4) of the Payment of Gratuity Act, 1972 is required to prefer an appeal within 60 days, which can be entertained on a further period of 60 days. After expiry of 120 days, no appeal can be preferred against the order of the Original Authority.

2. In all these writ petitions, admittedly the appeals have been filed after the expiry of 120 days, which is contrary to the period of limitation provided under Section 7 (7) of the Payment of Gratuity Act, 1972. As such, the order



of the appellate authority, rejecting the appeal, cannot be found fault with. Hence there are no merits in these writ petitions. Accordingly, all these writ petitions stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

3. In view of the dismissal of these writ petitions, the petitioners herein are at liberty to approach the concerned authority, seeking for withdrawal of the amount awarded by the Original Authority under the Payment of Gratuity Act.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Commissioner of Labour,
(Appellate Authority under the
Payment of Gratuity Act,1972)
VI Floor, D.M.S. Complex,
Teynampet, Chennai-600006.

2.The Assistant Commissioner of Labour,
(Controlling Authority under the
Payment of Gratuity Act, 1972)
Office of the Deputy Commissioner of Labour,
Vellore - 1.

+4 ccs to Mr.R.Bala Ramesh,Advocate Sr.NOs.56857,5686,
56867,56871

+1 cc to Government Pleader Sr.NO. 57192

W.P.Nos. 18623,18625, 18628, 18629 &
18632 of 2020

and

WMP.Nos. 23096, 23097,23099,23100,
23102,23103,23106,23107,
23110 & 23111of 202

RR(CO)
A.SK(09.12.2021)