



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.7950 of 2013

and

M.P.(MD)No.2 of 2013

WEB COPY

The Special Officer,
Chandrasekarapuram Co-operative
Wholesale Stores Limited,
Singaram Chetty Street,
Kumbakonam, Thanjavur District.

... Petitioner

vs.

1.The Joint Commissioner of Labour,
Office of Joint Commissioner of Labour,
Khajamian Street, Khaja Nagar,
Tiruchirappalli-620 020.

2.The Assistant Commissioner of Labour,
Office of Assistant Commissioner of
Labour,
Khajamian Street, Khaja Nagar,
Tiruchirappalli-620 020.

3.R.Kaliaperumal

4.State of Tamil Nadu,
represented by the Principal Secretary
to Government,
Co-operation, Food and Consumer
Protection Department,
Fort St.George, Chennai-600 009.

5.The Registrar of Cooperative Societies,
No.170, NV Natarajan Maligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai - 600 010.

6.The Management of the Thanjavur
Co-operative Marketing Federation,
Tiruvarur.

... Respondents

***(R4 to R6 are suo moto impleaded, vide Court
order, dated 23.06.2021, in W.P.(MD)No.7950
of 2013)***

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the first respondent relating to his impugned order in P.G.A.No.13 of 2012, dated 06.11.2012, confirming the order passed by the second



respondent by its proceedings in P.G.No.12 of 2009, dated 28.06.2011 and to quash the same.

For Petitioner : Mr.K.Muthu Rakkan

For R1 and R2 : No appearance

For R3 : Mr.M.Thilagam
for S.Sivaji

For R4 and R5 : Mr.N.Ramesh Arumugam
Government Advocate (Civil side)

For R6 : Mr.M.Suresh

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorari, to call for the records of the first respondent relating to his impugned order in P.G.A.No.13 of 2012, dated 06.11.2012s, confirming the order passed by the second respondent by its proceedings in P.G.No.12 of 2009, dated 28.06.2011 and to quash the same.

2.The third respondent worked in the petitioner's Society from 10.12.1975 to 04.08.1994. Later, he was declared as an excess employee and was terminated from his employment. Thereafter, the petitioner was employed in Thanjavur Co-operative Marketing Federation at Tiruvarur and was gainfully employed from 05.08.1994 to 30.06.2007 and had attained superannuation. Thereafter, the third respondent had received gratuity for the period from 1994 to 2007 from the later employed Society as per the salary drawn by him. The third respondent claimed gratuity from the petitioner's Society and as per the calculation of the petitioner, the third respondent is entitled to Rs.11,728/- (Rupees Eleven Thousand Seven Hundred and Twenty Eight only). The third respondent's employment was terminated from 04.08.1994.

3.The third respondent filed a petition in P.G.No.12 of 2009 before the second respondent against the Society. The petitioner filed a counter before the authority. But, on a later date, the petitioner could not appear before the second respondent and thereafter, an exparte order was passed on 28.06.2011. The contention of the petitioner is that the exparte order was passed on merits. Subsequently, they filed a set aside petition and the same was returned and directed the petitioner to approach the Appellate Forum. The petitioner filed an appeal before the Appellate Forum and the same was dismissed. Aggrieved over the same, the present Writ Petition is filed. Pending Writ Petition, the first respondent had paid Rs.11,728/- (Rupees Eleven Thousand Seven Hundred and Twenty



Eight only) on 13.12.2021.

4. When the case was taken up for hearing, the learned Counsel appearing for the third respondent submitted that he had received the cheque. But, prayed for interest for the belated payment. It is seen from the records that the third respondent was appointed from 10.12.1975 to 04.08.1994. The third respondent had preferred a petition before the gratuity authority in the year 2009, after a lapse of 14 years and the same was granted. It is an admitted fact that this was a statutory payment and the petitioner ought to pay the third respondent. The petitioner Society has committed a lapse. Since there was lapse on both the sides, to meet the ends of justice, instead of granting any interest for the belated payment, this Court is directing the petitioner to pay an additional sum of Rs.10,000/- (Rupees Ten Thousand only) to the third respondent.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Tmg

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Joint Commissioner of Labour,
Office of Joint Commissioner of Labour,
Khajamian Street, Khaja Nagar,
Tiruchirappalli-620 020.

2. The Assistant Commissioner of Labour,
Office of Assistant Commissioner of
Labour,
Khajamian Street, Khaja Nagar,
Tiruchirappalli-620 020.



3.The Principal Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Fort St.George, Chennai-600 009.

4.The Registrar of Cooperative Societies,
No.170, NV Natarajan Maligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai - 600 010.

+1 CC to M/s.M.SURESH, Advocate (SR-524[F] dated 06/01/2022)

+1 CC to M/s.A.SIVAJI, Advocate (SR-530[F] dated 06/01/2022)

+1 CC to M/s.SPL.GP (SR-592[F] dated 06/01/2022)

W.P.(MD)No.7950 of 2013
05.01.2022

RD(04.02.2022) 4P 8C