



WEB COPY



W.P. Nos.17965, 17966, 17967 & 18872 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.17965, 17966, 17967 & 18872 of 2012

In W.P.Nos.17965, 17966 & 17967 of 2012 :

R.Gajendran

... Petitioner
(in WP.17965/2012)

T.Govindan

... Petitioner
(in WP.17966/2012)

M.Ramamoorthy

... Petitioner
(in WP.17967/2012)

Versus

1.The Joint Registrar of Coop.Societies,
Villupuram Region, Villupuram,
Villupuram District.

2.The Deputy Registrar of Coop.Societies,
Tindivanam Circle, Tindivanam,
Villupuram District.

3.The Special Officer,
Villupuram Coop. Urban Bank,
Villupuram.

... Respondents
(in WPs.17965,17966&17967/2012)



W.P. Nos.17965, 17966, 17967 & 18872 of 2012

In W.P.No.18872 of 2012 :

WEB COPY

S.K.Velusamy

... Petitioner

Versus

- 1.The Joint Registrar of Coop.Societies,
Erode Region, Thirunagar Colony,
Erode, Erode District.
- 2.The Deputy Registrar of Coop.Societies,
Erode Circle, near Panneerselvam Park,
Erode, Erode District.
- 3.The Special Officer,
No.A.A.332, Perundurai Public Servants
Coop.Thrift and Credit Society,
Agrahara Street, Perundurai,
Erode District.

... Respondents

Prayer in W.P.Nos.17965, 17966 & 17967 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.5896/2010 Vae.Vu.Sa., dated 27.06.2012 and quash the same and consequently direct the respondents to calculate the petitioner's gratuity as per the Payments of Gratuity Act, 1972 and its Amendment Act.

Prayer in W.P.No.18872 of 2012 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.580/2012 Ni.Ma.dated 7.3.2012 and quash the same and consequently direct the respondents to calculate the petitioner's gratuity as per the Payments of Gratuity Act, 1972 and as per G.O.Ms.No.235, Finance Pay Cell Department, dated 01.06.2009 and return back Rs.1,39,573/ to the petitioner.



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For Petitioner : Mr. C. Prakasam
(in all cases)
For Respondents : Mr. A. Anandan,
(in all cases) : Government Advocate (for R1 & R2)
: Mr. L.P. Shanmugasundaram,
Additional Government Pleader
(for R3 except in WP.18872/2012)
: Mr. P. Bala Ramesh (for R3 in WP.18872/2012)

COMMON ORDER

The short issue that arises for consideration in these Writ Petitions is as under :

“(i) Whether the petitioners, who have retired prior to 24th May 2010 are entitled to the payment of gratuity in terms of amendment made to Sub-section (3) in Section 4 of the Payment of Gratuity Act, 1972, and in terms of G.O.Ms.No.235, Finance (Pay Cell) Department, dated 01.06.2009 or not?”

2. There is no dispute that all the petitioners herein have all retired from service prior to 24.05.2010. The sub-section 3 of Section 4 of the Payment of Gratuity Act, 1972, provides for upper limit, for the payment of gratuity @ Rs.3.5 Lakhs prior to 24.05.2010. The said sub-section 3 was amended and the upper limit was enhanced and fixed at Rs.10 Lakhs with effect from 24.05.2010. There is no dispute that the provisions of the Act, 1972 apply to the respondents / Co-operative Societies. Admittedly, the enhanced gratuity came into force with effect



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from 24.05.2010, and all the petitioners retired from service much before 24.05.2010.

3. Mr. C. Prakasam, learned counsel for the petitioner contended that the provisions of the Payment of Gratuity Act, 1972 as well as the Government Orders issued from time to time G.O.Ms.No.235, Finance (Pay Cell) Department, dated 01.06.2009, apply to the employees of the Cooperative Societies. According to the learned counsel for the petitioners, in terms of G.O.Ms.235 dated 01.06.2009, the enhanced amount Rs.10 Lakh was given retrospective effect from 01.01.2006 and as such, the petitioners herein are also entitled to the payment of gratuity as per the said G.O.Ms.No.235 dated 01.06.2009.

4. As all the petitioners have retired from service prior to 24.05.2010, the question of payment of enhanced of the gratuity in terms of sub-section 3 of Section 4 of the Act, 1972, does not arise.

5. Coming to the application of G.O.Ms.No.235 dated 01.06.2009, the said G.O. was issued in respect of, specific class of



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employees and Paragraph No.8 of the said G.O specifically speaks about the class of employees, to whom the said Government Order applies.

6. The petitioners herein who are employees of the Cooperative Societies do not come under the categories mentioned in Paragraph No.8 of the said G.O, and therefore, the said G.O, has no application to the employees of the Cooperative Societies. Nothing is brought to the notice of this Court as to show that the said G.O.Ms.No.235 is applicable to the case of the petitioners herein.

7. In such circumstances, the claim of the petitioners for payment of the gratuity over and above Rs.3.5Lakhs is totally baseless and accordingly, the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petition in M.P.No.1 of 2012 in W.P.No.18872 of 2012 is also closed.

15.12.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Case Citation : Yes/No

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Villupuram Region, Villupuram, Villupuram District.
- 2.The Deputy Registrar of Coop.Societies,
Tindivanam Circle, Tindivanam, Villupuram District.
- 3.The Special Officer,
Villupuram Coop. Urban Bank, Villupuram.
- 4.The Joint Registrar of Coop.Societies,
Erode Region, Thirunagar Colony, Erode, Erode District.
- 5.The Deputy Registrar of Coop.Societies,
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- 6.The Special Officer,
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MUMMINENI SUDHEER KUMAR, J.

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