



W.P.No.25401 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.25401 of 2013

Perks Matriculation Higher Secondary School,
Uppilpalayam,
Coimbatore-641 015

rep. by its Correspondent Kalpana Srinivasan. .. Petitioner

Vs

1.The Secretary to Government of India,
Ministry of Law and Justice,
(Administrative Department)
New Delhi.

2.The Secretary to Government,
Representing Government of India,
Ministry of Labour and Employment,
New Delhi.

3.The Controller Authority,
Under Payment of Gratuity Act/
Assistant Commissioner of Labour,
Coimbatore-641 018.

4.N.Saraswathi
5.S.Ponnammal

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring Section 13(A) of the Payment of Gratuity (Amendment) Act 2009 (Act 47 of 2009) dated 31.12.2009 as unconstitutional, illegal and *void ab initio*.

For the Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.E.Thingalaval

For the Respondents : Mr.A.Veeramani
Central Government Standing
Counsel
for respondent Nos.1 and 2

: Mr.V.Ajoy Khose
for respondent Nos.4 and 5

: R3 - Court

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard G.Sankaran, learned senior counsel for the petitioner; Mr.A.Veeramani, learned Central Government Standing Counsel for respondents 1 and 2 and Mr.V.Ajoy Khose, learned counsel for respondents 4 and 5.

2. The petitioner assails the provision of the Payment of Gratuity (Amendment) Act, 2009 insofar as teachers are concerned.



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3. Learned senior counsel for the petitioner fairly submits that the Apex Court has put a quietus to the matter in a case of *Independent Schools' Federation of India (Regd.) v. Union of India and another*, reported in 2022 SCC OnLine SC 1113.

4. In view of the judgment of the Apex Court as referred to above, the writ petition is dismissed. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

14.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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Ministry of Law and Justice,
(Administrative Department)
New Delhi.
- 2.The Secretary to Government,
Representing Government of India,
Ministry of Labour and Employment,
New Delhi.
- 3.The Controller Authority,
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THE HON'BLE CHIEF JUSTICE
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