



W.P.No.28070 of 2012

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.28070 of 2012

Kalpana Srinivasan

.. Petitioner

Vs

1.The Secretary to Government of India,
Ministry of Law and Justice,
New Delhi.

2.The Controlling Authority under
Payment of Gratuity Act/
Assistant Commissioner of Labour,
Coimbatore-15.

3.Vimala Bai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration to declare that the (Amendment) Act of 47 of 2009 viz., the Payment of Gratuity (Amendment) Act, 2009 as unconstitutional, illegal and a colourable legislation.



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For the Petitioner : Ms.K.Abhiramee
for Mrs.V.Srimathi

For the Respondents : Mr.S.Mahesh
ACGSC
for respondents 1 and 2

: Mr.S.Saravanan
for respondent No.3

ORDER

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

We have heard Ms.K.Abhiramee, learned counsel for the petitioner; Mr.S.Mahesh, learned ACGSC for respondents 1 and 2 and Mr.S.Saravanan, learned counsel for the third respondent.

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

3. Learned counsel for the petitioner fairly concedes 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.



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4. In view of the judgment of the Apex Court as referred to above, the writ petition stands dismissed. There will be no order as to costs. Consequently, M.P.No.1 of 2012 is closed.

(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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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

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