



W.P.No.9824 of 2018

WEB COPY

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.9824 of 2018

The Management
Misrimal Navajee Munoth Jain
Engineering College
Guru Mandhar Kesari Building
Jothi Nagar, Thoraipakkam
Chennai 600 097.

.. Petitioner

Vs.

1. The Secretary to Government of India
Ministry of Law and Justice
New Delhi.
2. The Deputy Commissioner of Labour
Office of the Joint Commissioner of Labour II
DMS Campus, DMS Subway, Teynampet
Chennai 600 006.
3. R.Sundararaman
4. K.Dhanasekar
5. A.P.Nandhini
6. Dr.M.D.K.Kumaraswamy

.. Respondents



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

For the Petitioner : Mr.V.Vijay Shankar

For the Respondents : Mr.R.Rajesh Vivekanandan
Senior Panel Counsel
for Respondent-1

Respondent-2 - Court

No appearance -
for Respondents 3 to 6

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.Vijay Shankar, learned counsel for the petitioner and Mr..Rajesh Vivekanandan, learned Senior Panel Counsel for the first respondent.

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 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.

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, WMP Nos.11752 and 11753 of 2018 are also dismissed.

(S.V.G., CJ.)

(P.D.A., J.)

14.06.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Secretary to Government of India
Ministry of Law and Justice, New Delhi.
2. The Deputy Commissioner of Labour
Office of the Joint Commissioner of Labour II
DMS Campus, DMS Subway, Teynampet, Chennai 600 006.



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

(kpl)

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