



W.P.No.15646 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.15646 of 2020 and
W.M.P.No.19493 of 2020

Administration,
(Rep. by Assistant Director of Sericulture),
Government Sericulture Development Department,
Coonoor - 643 101.

... Petitioner

Vs.

1. R.Radha,
Nilgiris Industrial and General Works Union (AITUC)
85, Javaharpettai,
Coonoor - 643 102.

2. The Assistant Labour commissioner,
Office of the Deputy Labour Commissioner,
Coimbatore - 18.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, to call for the records pertaining to the orders passed by the 2nd respondent / Assistant Labour Commissioner, Office of the Deputy Labour Commissioner, Coimbatore - 18 in G.A.No.29 of 2016, dated 18.04.2018 and quash the same.



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For Petitioner : Mr.D.Gopal,
Government Advocate

For Respondents : No appearance for R1
Ms.P.Vijaya devi,
Government Advocate for R2

ORDER

Challenging the orders passed by the 2nd respondent / Assistant Commissioner of Labour, Office of the Deputy Labour Commissioner, Coimbatore - 18 in G.A.No.29 of 2016, dated 18.04.2018, the present Writ Petition is filed.

2. The 1st respondent was working as a daily wager in the Writ Petitioner Management since 1982 and retired from service on 30.06.2013 on attaining superannuation. Since she has put in 31 years of service, she claimed payment of Provident Fund to the tune of Rs.1,06,950/- together with interest at 18% per annum. Since the said request was not acceded to by the petitioner Management, she raised an Industrial Dispute before the 2nd respondent in G.A.No.29 of 2016. The Writ Petitioner management filed a detailed counter in which it has been



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stated that the respondent was only a daily rated wager and therefore is not entitled to get any benefits. The 2nd respondent vide his orders dated 18.04.2018, allowed the application and directed the Writ petitioner Management to pay a sum of Rs.1,06,950/- together with interest at 10% per annum towards provident fund, within 30 days from the date of receipt of the order. Aggrieved over the same, the present Writ Petition is filed.

3. Mr.D.Gopal, learned Government Advocate appearing for the Writ petitioner/Management contended that the respondent was only a daily rated wager and she did not put in 480 days of service in 24 calendar months and therefore the orders passed by the 2nd respondent is erroneous. It was also contended before the 2nd respondent that the 1st respondent is not an employee within the meaning of Section 2 (e) of the Payment of Gratuity Act, 1972.

4. However, the 2nd respondent in his orders had held that the respondent is a workman and that she has put in 31 years of service. It is



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seen from the orders passed by the 2nd respondent that the Writ Petitioner/Management did not adduce any evidence to show that the respondent is a daily rated wager. As rightly observed by the 2nd respondent authority, no reason was stated by the Writ Petitioner for not paying the provident fund to the 1st respondent.

5. In the circumstances, I do not see any reason to interfere with the orders passed by the 2nd respondent. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.12.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

The Assistant Labour commissioner,
Office of the Deputy Labour Commissioner,
Coimbatore - 18.



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R. HEMALATHA, J.

vum

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(1/2)