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W.P.No.35101 of 2019 & W.M.P. Nos. 35893, 35894 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.Nos.35101 of 2019 &
W.M.P. Nos. 35893 & 35894 of 2019

The Managing Director
Dharmapuri Cooperative Sugar Mills Ltd.
Jerthalav Post, Dharmapuri District.

...Petitioner

Vs

- 1 The Joint Commissioner of Labour,
(Presently Designated as Additional
Commissioner of Labour)
The Appellate Authority Under the Payment of Gratuity Act,
Coimbatore 18.
- 2 The Assistant Commissioner of Labour,
(Presently Designated as
Additional Commissioner of Labour)
The Controlling Authority Under the Payment of
Gratuity Act,
Salem.
- 3 Aaisha Begam (AGA. 1/ 19/ P.G 88/ 17)
- 4 S.Padmanaban (AGA. 2/ 19/ P.G 91/ 17)
- 5 P.Naga ammal (AGA. 3/ 19/ P.G 89/ 17)



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6 S.Muniyappan (AGA. 4/ 19/ P.G. 96/ 17)

7 S.Naga Ammal (AGA. 5/ 19/ P.G. 92/ 17)

8 Palani Ammal (AGA. 6/ 19/ P.G. 71/ 17)

9 K.Kanna ammal (AGA. 7/ 19/ P.G. 90/ 17)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus Calling for records pertaining to the orders of 1st respondent dated 17.05.2019 made in AGA.Nos. 1/ 2019 to 7/ 2019 and quash the same and consequently direct the respondents (1) and (2) to determine the entitlement of the respondents as per the provisions of the Gratuity Act as well as the circular of the Director of Cooperative Sugar Mills Ltd., issued with regard to the Gratuity benefits.

For Petitioner	:	Mr.R. Gopinath
For R1 & R2	:	Ms.P.Vijayadevi, Government Advocate
For R3,R5,R7 to R9	:	No appearance

ORDER

The Writ Petitioner is the Dharmapuri Cooperative Sugar Mills Limited represented by its Managing Director. Respondents 3 to 9 filed applications before the 2nd respondent, the Assistant Commissioner of Labour, the Controlling Authority Under the Payment of Gratuity Act, Salem, P.G. Nos. 88/17, 91/17, 89/17, 96/17, 92/17, 71/17 and 90/17 for payment of gratuity. All the petitions were allowed



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by the 2nd respondent vide its orders dated 26.02.2018, wherein the petitioner Management was directed to pay gratuity to the respondents 3 to 9. Aggrieved over the said orders, the Writ Petitioner filed appeals in PGA Nos.1/2019 to 7/2019 before the 1st respondent, Joint Commissioner of Labour, Appellate Authority under the payment of Gratuity Act, who confirmed the orders passed by the 2nd respondent, Controlling Authority. Now the present Writ Petition is filed by the petitioner Mill.

2. Mr.R. Gopinath, learned counsel for the Writ Petitioner would contend that that the petitioner is a seasonal establishment and therefore they are not entitled to pay gratuity to his employees and that the order passed by the Controlling Authority is contrary to Section 2A of the Payment of Gratuity Act. Therefore the workmen are entitled to gratuity amount only for the seasonal period during which they were engaged for employment in the Mill.

3. It is seen from the materials available on record as well as the impugned order passed by the respondents 1 and 2 that the Writ Petitioner had not placed any materials to show that the petitioner Mill is



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a seasonal establishment. In fact, the Controlling Authority, after analysing the evidence on record, had come to a conclusion that the petitioner Mill is not a seasonal establishment and had passed a well considered order. Therefore, I do not see any reason to interfere with the orders passed by the respondents 1 and 2. Accordingly, the Writ Petition is dismissed. No costs. Consequently connected Writ Miscellaneous Petitions are closed.

16.11.2023

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Index : yes/no

Speaking /Non speaking Order

To

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R.HEMALATHA, J.

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