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W.P.No.28741 of 2018
and W.M.P.No.33574 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

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

W.P.No.28741 of 2018
and
W.M.P.No.33574 of 2018

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

... Petitioner

Vs.

1.The Additional Commissioner of Labour,
Appellate Authority Under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour,
Coimbatore.

2.The Assistant Commissioner of Labour,
The Controlling Authority under the Payment of Gratuity Act,
Office of the Assistant Commissioner of Labour,
Salem.

3.P.Ramasamy

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in A.D.Mu.No.B/2606/18 dated 22.06.2018 quash the same and consequently direct the appeal preferred by the petitioner Management on 18.06.2018 to be taken on file against as P.G.Case No.73/17 and hear the same on merits.

For Petitioner : Mr.R.Gophinath
For RR1 & 2 : Mr.P.Vijayadevi, GA
For R3 : Mr.K.Muruganandam

ORDER

The present writ petition is filed by the Managing Director, Dharmapuri Cooperative Sugar Mills Limited, Jerthalav Post, Dharmapuri District.

2.When the matter is taken up for hearing today, learned counsels for the writ petitioner and the respondents submitted that the issue involved in the present writ petition is one and the same with the batch of Writ Petitions in W.P.Nos. 32639, 28750, 28747, 28761 &



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28753 of 2018, 21800 of 2016, 19324, 19341, 19343, 19354, 19358, 19368, 19369, 19376, 19388, 19394, 19398 & 35052 of 2019 & 10394, 12573 & 12512 of 2020, in which an order dated 21.08.2023 has been passed by Hon'ble Mr.Justice M.Dhandapani and that this Writ Petition has been omitted to be taken up along with the above batch. In the orders passed by the Hon'ble Justice M.Dhandapani in Paragraph Nos.9 & 10 it has been held as follows :

"9. The facts of the present case are not in dispute. Admittedly, the workmen were the employees of the petitioner mill and they retired from the services of the petitioner mill. Pursuant to their retirement, they were settled with the gratuity amount by the petitioner on the basis of their continuous services rendered by them. Subsequently, the workmen approached the authority under the Gratuity Act, claiming arrears of gratuity, wherein, they were granted full gratuity amount at the rate of 15 days wages with interest which has been confirmed by the 1st respondent/Appellate Authority.

10. It is the claim of the petitioner that the petitioner mill is only a seasonal establishment and therefore the workmen are entitled for gratuity amount only for the seasonal period during which they were engaged with the petitioner mill. However, it is seen from the materials available on record as also the impugned order of the 2nd respondent/fact finding authority, that the petitioner has not placed any materials to show that the petitioner mill is a



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seasonal establishment. In the absence of any material to show that the establishment is a seasonal establishment no finding could be rendered and the authority has passed a well reasoned order and in the absence of any perversity in the finding rendered by the fact finding authority, this Court under Article 226, cannot interfere with the impugned order of the fact finding authority. Hence, the relief sought for in this Writ Petition cannot be acceded to."

In the instant case, the writ petitioner had not placed any material to show that the establishment is a seasonal establishment. In the absence of the same, no finding could be rendered and the authority has passed a well considered order. In the circumstances, I do not see any reason to interfere with the same. Hence, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

19.10.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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To

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R. HEMALATHA, J.
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