



W.P.(MD)No.6713 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.6713 of 2020

and

W.M.P(MD)No.6079 and 6080 of 2020

Management / Secretary,
T.1659, Panjanathikottai Primary
Agricultural Cooperative Credit Society,
Panjanathikottai,
Orathanadu Taluk,
Thanjavur District.

... Petitioner

Vs

- 1.The Joint Commissioner of Labour /
Appellate Authority,
Under payment of Gratuity Act,
Trichirappalli.
- 2.The Assistant Commissioner of Labour,
Trichirappalli.
- 3.G.Chitra
- 4.G.Gejalakshmi
- 5.G.Jeyabharathi
- 6.V.G.Venkatesh

... Respondents



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Prayer:- Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified calling for the records of the impugned order passed by the 2nd respondent in P.G.No.45 of 2018 dated 19.11.2018, confirmed by the 1st respondent by its proceedings in P.G.A.No.22 of 2019, dated 23.12.2019 and quash the same.

For Petitioner : Mr.S.Deenadhayalan
For R1 and R2 : Mr.K.Balasubramani
Special Government Pleader
For R3 to R6 : Mr.S.Arunachalam

ORDER

Heard the learned counsel on either side.

2. One Ganesan was employed as secretary of the writ petitioner co-operative society. He retired on superannuation on 30.06.2014. He claimed gratuity. The question was regarding computation. The stand of the management was that prior to the petitioner reaching his superannuation, he was reduced in rank to the post of Assistant Secretary and that therefore the gratuity should be computed with reference to the last drawn pay of the



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employee. The employee contested the said position and raised a claim. The order whereby the said Ganesan was reduced in rank was marked. But still controlling authority went by the wages actually drawn by the employee. An order in favour of the employee was passed on 19.11.2019. Even during the pendency of the proceedings, Ganesan had passed away and his legal heirs had come on record. Questioning the order passed by the controlling authority, the management filed an appeal before the appellate authority. The appellate authority confirmed the order passed by the original authority. Challenging the same the present writ petition came to be filed.

3. After carefully going through the contentions advanced on either side, I am more than satisfied that the impugned orders do not call for interference. The learned counsel for the petitioner however would point out that a sum of Rs.1,23,195/- was paid to Ganesan on 23.12.2014 and that it was not taken into account by the authorities. This contention cannot be accepted for the simple reason that in the document filed by the management, there is an interpolation. The document produced by the



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employee does not indicate that the payment was made towards part-payment of gratuity. On the other hand, the document expressly reads that it is towards SL Account refund. Therefore, it cannot be towards payment of gratuity.

4. The authorities rightly did not rely on the said document. That Ganesan was an employee of the petitioner's society is admitted. The authorities have merely applied the formula set out in the statute by taking into account the last drawn wages of the employee. In fact, deductions have also been given to the extent of 75,000/-. There has been due application of mind. The order passed by the original authority was confirmed by the appellate authority also. No case for interference is made out.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

09.03.2023

NCC : Yes/No
Index :Yes/No
Internet :Yes / No
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G.R.SWAMINATHAN, J.

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