



W.P.(MD).No.7043 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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- 1.M.Somasundaram Iyer
- 2.V.Arumugam
- 3.M.Mariappan
- 4.E.Murugan
- 5.S.Shanmugam
- 6.R.Gopalapothe
- 7.G.Krishna Iyyar
- 8.S.Senthil Pillai
- 9.M.Murugan
- 10.N.Subbiah Konar
- 11.T.R.S.Muthadi Iyer
- 12.Ramasamy Iyer
- 13.T.Lakshmi Narayanan



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14.V.Nallathai Ammal

15.N.Suyambulingam

16.K.Balammal

17.S.Padmanathan Pothi

18.S.Esakkiappan

19.R.Muthukrishnan

20.V.Gnanadesigan

21.R.Chidambarnathan

22.S.Velsamy

23.Kuthalingam

24.A.Vallinayagam

25.S.Ramakrishnan

26.C.Ramasubramanian

27.P.Ammaiappan

28.R.Kadarkarai

29.M.Subramaniyan

30.P.Nainar

31.K.Padmanadhan



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32.S.Chidambaram

33.S.Kottairajagopal

34.N.S.Ramasamy

35.S.Manikam

36.M.Kailasam

37.S.Venkadasubramanian

38.R.Ganapathy

39.S.Kallapiran

40.N.Subramaniya Iyyar

41.S.Vijayasingh

42.S.Thalaikkan

43.K.Sankaran

44.N.Murugesan

45.J.Thangam

46.S.Kumarasamy

47.C.Karuppaiah

48.M.Sudalai

49.S.Veeraperumal



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50.T.K.Kesavapothi

51.K.Subbu Pillai

52.S.Manthiram

53.A.Murugan

54.M.Veraragavan

55.N.Krishna Vallavarayar

56.Muthulingam

57.N.Srinivasan

58.B.Rajam

... Petitioners

Vs.

1.The Joint Commissioner of Labour/The Appellate
Authority Under the payment of gratuity Act 1972,
Madurai.

2.The Assistant Commissioner of Labour/The Controlling
Authority Under the payment of gratuity Act 1972,
Tirunelveli.

3.The Joint Commissioner / Executive Officer,
Arulmigu Subramaniaswamy Thirukovil,
Thiruchendur,
Thoothukudi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the common orders passed in P.G.A. (appeal) I.A.No.2 to 12, 14 to 28, 30, 32, 34, 37, 38, 40, 41, 43 to 45, 47 to 49, 51, 52, 55 to 63, 65, 67 to 69, 72 to 75 of 2014 dated 03.11.2014 on the file of the Joint Commissioner of Labour/The Appellate Authority Under the payment of gratuity Act 1972, Madurai set aside the order passed in P.G.(I.A).No.95, 118, 117, 114, 112, 100, 99, 119, 113, 97, 95, 98, 121, 120, 124, 102, 103, 126, 101, 125, 109, 116, 108, 115, 106, 110, 104, 138, 211, 207, 148, 142, 143, 130, 95, 147, 132, 150, 146, 210, 209, 135, 127, 208, 137, 143, 128, 129, 141, 95, 144, 149, 213, 148, 205, 155, 136 and 123 of 2013 dated 09.10.2013 on the file of the Assistant Commissioner of Labour/The Controlling Authority Under the payment of gratuity Act 1972, Tirunelveli and quash the same.

For Petitioners : Mr.V.Illanchezhian

For R-1 and R-2 : Mr.P.Thambidurai,
Government Advocate.

For R-3 : Mr.M.Muthugeethayan

ORDER

This Writ Petition is filed to quash the Common Order passed by the first respondent, who is the authority under the Payment of Gratuity Act.



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2. The writ petitioners have preferred the petition before the authority claiming gratuity and the same was allowed. Aggrieved over the same, the respondents herein had preferred appeal before the appellate authority. The contention of the respondents is that the writ petitioners had filed the petition claiming gratuity belatedly and the delay is huge. Therefore, the appellate authority had allowed the appeal. Aggrieved over the same, the writ petitioners / employees had preferred this writ petition challenging the appellate authority's order. In short, the present petition is filed to condone the delay which ranges from minimum 350 days to maximum 4500 days.

3. Pending this Writ Petition, the third respondent paid the applicable gratuity to the persons who are the writ petitioners in this Writ Petition. However, it is stated that the gratuity is paid to 53 persons and the balance 5 persons either they have either died or they have not submitted any application.

4. Hence, nothing survives for adjudication. However, liberty is granted to the said five persons or to their legal heirs to make an application. Whenever such application is submitted, the same shall be considered on par with others and pass orders.



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5. Recording the said submission, this Writ Petition is closed. There shall be no order as to costs.

25.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Joint Commissioner of Labour/The Appellate Authority Under the payment of gratuity Act 1972, Madurai.
- 2.The Assistant Commissioner of Labour/The Controlling Authority Under the payment of gratuity Act 1972, Tirunelveli.
- 3.The Joint Commissioner / Executive Officer, Arulmigu Subramaniaswamy Thirukovil, Thiruchendur, Thoothukudi District.



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S.SRIMATHY, J.

Nsr

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