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W.P.No.21325 of 2015
and W.M.P.No.1 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.21325 of 2015
and W.M.P.No.1 of 2015

The Management of
Jeevan Sree Estate,
Eatty Molla, Gudalore,
The Nilgiris
Rep. by its Proprietor
C.Sree Ram

...

Petitioner

versus

- 1.The Joint Commissioner of Labour And,
The Appellate Authority,
Under The Payment of Gratuity Act,
Coimbatore - 641 018.
- 2.The Assistant Commissioner of Labour
and the Authority,
Under the Payment of Gratuity Act,
Coimbatore - 641 018.
- 3.Subathira,
C/o.Plantation Labour Association,
(AITUC) Ooty,
Mysore Road,
Gudalur, The Nilgiris - 643 212.



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4.Kamala,
C/o.Plantation Labour Association,
(AITUC) Ooty,
Mysore Road,
Gudalur, The Nilgiris - 643 212.

5.Maheswaran,
C/o.Plantation Labour Association,
(AITUC) Ooty,
Mysore Road,
Gudalur, The Nilgiris - 643 212.

6.Maruthayi,
C/o.Plantation Labour Association,
(AITUC) Ooty,
Mysore Road,
Gudalur, The Nilgiris - 643 212.

7.Baggiyam,
C/o.Plantation Labour Association,
(AITUC) Ooty,
Mysore Road,
Gudalur, The Nilgiris - 643 212.

8.Rajamani,
C/o.Plantation Labour Association,
(AITUC) Ooty,
Mysore Road,
Gudalur, The Nilgiris - 643 212.

9.Valliamma,
C/o.Plantation Labour Association,
(AITUC) Ooty,
Mysore Road,
Gudalur,
The Nilgiris - 643 212.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pursuant to the order A.G.A. Nos.227 to 233 of 2014 dated 25.05.2015 on the file of the first respondent confirming the order passed by the second respondent in G.A.Nos.240 to 246 of 2013 dated 27.01.2014 quash the same consequently permit the petitioner to produce additional evidence by filling the additional documents.

For Petitioner : Mr.G.B.Saravanabhavan

For Respondent Nos.1 & 2 : M/s.M.Jayanthy
Additional Government Pleader

For Respondent No.3 to 9 : Mr.Vengadesh Durai Raja V.K.
For Mr.M.Prabaharan

ORDER

The Writ Petition has been filed challenging the order of the Appellate Authority / first respondent made in A.G.A. Nos.227 to 233 of 2014 dated 25.05.2015 and the order passed by the Controlling Authority / second respondent in G.A.Nos.240 to 246 of 2013 dated 27.01.2014.

2. Heard Mr.G.B.Saravanabhavan, learned counsel for the petitioner, M/s.M.Jayanthy, learned Additional Government Pleader for the



respondents 1 and 2 and Mr.Vengadesh Durai Raja V.K., learned counsel for the respondents 3 to 9 and perused the materials available on record.

3. The Controlling Authority has considered the claim of the workmen stating that the petitioner's estate would fall under the purview of the Plantations Labour Act, 1951 and hence, the orders of the authorities in directing the petitioner to pay the gratuity are correct.

4. Mr.G.B.Saravanabhavan, learned counsel for the petitioner submitted that as per Section 1(4) of the Plantations Labour Act, the plantations can be applied only for those lands which have been used for growing tea, coffee, rubber and cardamom and which engage more than 15 persons within a period of one year. The petitioner is doing tea plantation in his estate. But still, it is claimed by the petitioner that he will not come under the purview of the Plantations Labour Act.

5. It is claimed under the RTI information obtained by him from the Plantation Inspector that he has only 2 acres, 43 hectares and at the maximum as on 03.11.2009 only 8 employees were working there. Since the



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petitioner has omitted to produce these documents before the Controlling Authority as well as the Appellate authority, it is now claimed that the orders of the Controlling Authority as well as the Appellate authority should be set aside and the matter should be remanded back to the appropriate authority in order to enable the petitioner to produce the relevant documents he obtained through RTI and in order to give him an opportunity to prove that he does not come under the purview of the Plantations Labour Act.

6. On perusal of the order dated 27.01.2014, the Controlling Authority has made an observation that the petitioner witness himself has admitted that it has more than 20 acres of land. Only after making due appreciation about the petitioner's coverage under the Plantations of Labour Act, the Controlling Authority has proceeded to pass the order.

7. Even the Appellate Authority in its order dated 25.05.2015 has made an observation that the petitioner has admitted that there are more than 30 employees working in the estate. Having given substantial evidence to show that the petitioner had more than 20 acres of land and he had



employed atleast 30 labourers, the petitioner cannot turn back and now say that he will not fall under the purview of the Act.

8. From the RTI information obtained by the petitioner, he cannot take the evidence adduced by his own witness before the appropriate authorities. In such circumstances, the additional evidence which the petitioner now seeks to mark by way of remanding the matter is only on RTI information and that cannot serve a better evidence than the evidence which is already available on record. Hence, I do not find any perversity in the orders passed both by the Controlling Authority and the Appellate Authority.

9. In the result, this Writ Petition is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

04.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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