



WEB COPY



W.P.No.37871 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.37871 of 2015

and

M.P.No.1 of 2015

The Area Manager,
Food Corporation of India,
8, Sathiyamurthy Road,
Chetpet, Chennai 31

... Petitioner

-Vs-

1.Smt.K.Rebekkal

2.The Appellate Authority
Under the Payment of Gratuity Act and
Deputy Chief Labour Commissioner (Central),
No.4, Haddows Road, Shastri Bhavan,
Chennai 6

3.The Controlling Authority
Under the Payment of Gratuity Act, 1972 &
The Assistant Labour Commissioner (Central),
No.4, Haddows Road, Chennai 6.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records of the 2nd respondent relating to order dt 30.9.2015 made in Gratuity Appeal No.16/2015 confirming the order of the 3rd respondent dt 27.8.2014 in Gratuity Application No.6 of 2014 and to quash the same.



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For Petitioner : M/s.M.Imthias
For Respondents : M/s.R.Ganesh Balu [R1]
: No appearance - R1 & R3

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ORDER

The above writ petition is filed challenging the impugned orders passed by the 2nd respondent in Gratuity Appeal No.16/2015 dated 30.09.2015, confirming the order of the 3rd respondent dated 27.08.2014 in Gratuity Application No.6 of 2014 in and by which the petitioner herein is directed to pay a sum of Rs.91,361/- to the 1st respondent herein as Gratuity Payable for the service rendered from 01.03.1982 to 01.11.1993 along with the penal interest at the rate of 10% as per Notification No.874(E) dated 01.10.1987 from date when due till the date of payment.

2. A similar issue was a subject matter in a batch of Writ Petitions, namely, W.P.Nos.13579 to 13587 of 2004 wherein a learned Single Judge of this Court had quashed the order passed by the Appellate Authority under the Payment of Gratuity Act. The learned Judges had observed as follows:-



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"In respect of the services rendered by these workmen with the cooperative society, they may be eligible to claim gratuity with the society under the provisions of the Tamil Nadu Cooperative Societies Act or under the Payment of Gratuity Act, whichever is applicable. Thus, the respondent workman are at liberty to approach the competent authorities, claiming gratuity in respect of their services rendered with the Labour Cooperative Society as far as the Food Corporation of India is concerned. The Workmen, if at all completed 5 years of minimum services as contemplated under Section 4(1) of the Payment of Gratuity Act, they would be eligible and not otherwise."

3. In the light of the above, this Court is also inclined to concur with the observations made by the learned Single Judge therein and accordingly, the Writ petition is allowed and the impugned orders



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passed by the 2nd respondent in Gratuity Appeal No.16/2015 dated 30.09.2015, confirming the order of the 3rd respondent dated 27.08.2014 in Gratuity Application No.6 of 2014 are quashed. No costs. Consequently, the connected Miscellaneous Petition is closed.

05.07.2024

(shr)

Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No

To

1.The Appellate Authority

Under the Payment of Gratuity Act and
Deputy Chief Labour Commissioner (Central),
No.4, Haddows Road, Shastri Bhavan,
Chennai 6

2.The Controlling Authority

Under the Payment of Gratuity Act, 1972 &
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P.T.ASHA. J.,

(shr)

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and

M.P.No.1 of 2015

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