



WEB COPY



W.P.Nos.28254 & 27919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.Nos.28254 & 27919 of 2024

and

W.M.P.Nos.30797 & 30442 of 2024

The Management,
Colacumby Tea Manufactures Pvt., Ltd.,
Ooty,
Represented by
Dr.K.Shanmuganathan,
Sun Plaza, 39 GN Chetty Road,
Second Floor, Unit 5,
Chennai – 600 006.

... Petitioner in both W.P's.

Vs.

1. Assistant Commissioner of Labour
and the authority of Payment of Gratuity
Erode.

... 1st Respondent in both W.P's.

2. N.Bhojan

... 2nd Respondent in W.P.No.28254/2024

2. N.Sivaraj

... 2nd Respondent in W.P.No.27919/2024

Writ Petitions are filed under Article 226 of the Constitution of India
for issuance of Writ of certiorarified mandamus to call for the records in
A.TI.Mu.E1/4172/2024 and A.TI.Mu.E1/4171/2024 dated 25.07.2024



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issued by the first respondent and quash the same and direct the respondents to entertain the condone delay and set aside petition and decide the petition on merit.

For Petitioner (in both W.P's)	:	Mr.J.Franklin
For R1 (in both W.P's)	:	Mrs.M.Jayanthi AGP
For R2 (in W.P.No.28254/2024)	:	Mr.S.Saravanan
For R2 (in W.P.No.27919/2024)	:	No appearance

COMMON ORDER

These writ petitions have been filed challenging the order of the first respondent dated 25.07.2024 rejecting the application preferred by the petitioner to set aside the order made by the Controlling Authority in PG.No.799/2022 dated 28.02.2023.

2. In the impugned order it is stated that the application challenging the order of the appropriate authority has not been filed within 30 days for limitation and hence it has been returned. However, the learned counsel for the petitioner submitted that in the earlier similar cases this Court has passed a conditional order for depositing a portion of the gratuity amount ordered by the Controlling Authority and then giving liberty to the petitioner to



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contest the matter before the Controlling Authority.

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3. To convince the above statement the learned counsel for the petitioner produced the order dated 18.11.2022 made in W.P.No.26440/2022 & batch. In the said order though the Court has directed the establishment to deposit the entire gratuity amount ordered by the Controlling Authority in Fixed Deposit of any Nationalized bank within the prescribed limit and directed the Controlling Authority to decide the matter afresh, the above order came to be passed on the observation that Rule 18 of the Tamil Nadu Payment of Gratuity Rules, have not been followed. According to the said Rule the employee has to file appropriate prescribed forms for claiming the payment of gratuity by quoting the amount payable to him.

4. It is not the contention of the petitioner that appropriate form was not submitted by the second respondent employee. In fact in the typed set of papers of the petitioners itself the appropriate form filed by the employee is enclosed. Under such circumstances, the order cited by the petitioner as held in W.P.No.26440/2020 and batch is not applicable to the facts of this case.



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5. Since the petitioner has missed the bus and did not chose to file any appeal to set aside the order of the Controlling Authority within the prescribed time limit, it is right for the authority to reject the appeal filed by the petitioner on the point of limitation. Hence, I find no reason to interfere with the order passed by the first respondent authority.

6. In the result, these writ petitions are dismissed. No costs.
Connected miscellaneous petitions.

21.10.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

1. Assistant Commissioner of Labour
and the authority of Payment of Gratuity
Erode.



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R.N.MANJULA, J.

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