



WEB COPY



W.P.No.105 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.105 of 2025

and

W.M.P.No.125 of 2025

The Management of
Home Tech Service Private Limited,
“Buhari Building”
No. 4 Moores Road,
Chennai - 600 006.
Rep. by its HR Manager.

... Petitioner

Vs

1. Additional Commissioner of Labour,
(Appellate Authority Under the
Payment of Gratuity Act, 1972)
Labour Welfare Building, 6th Floor,
Teynampet, Chennai - 600 006.
2. Deputy Commissioner of Labour,
(Controlling Authority under the
Payment of Gratuity Act, 1972)
Labour Welfare Building, 6th Floor,
Teynampet, Chennai - 600 006.
3. Daniel Arputharaj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the

1/5



W.P.No.105 of 2025

issuance of Writ of Certiorari Mandamus, to call for the records and quash the order dated 30.10.2024 received in person on 10.12.2024 passed in P.G.A.No.19 of 2024 on the file of the first respondent, Additional Commissioner of Labour, Chennai, confirming the order dated 01.03.2024 passed in P.G.No.101 of 2024 on the file of the second respondent, Deputy Commissioner of Labour, Chennai.

For Petitioner : Mr.C.Venkatesan
For R1 & R2 : Mr.K.Surendran
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned order dated 30.10.2024, whereby the petitioner management is directed to pay balance gratuity of Rs.34,327/-.

2. The learned counsel appearing for the petitioner management submits that the only contention which is raised by the petitioner management is that a loan amount of Rs.35,000/- is due from the workman and that the management is entitled to adjust the same.

3. The payment of gratuity authority overlooked the said fact, in spite of



W.P.No.105 of 2025

the same being specifically claimed. Reliance is also placed on the judgments of the Hon'ble Supreme Court of India in ***M/s.Steel Authority of India Limited vs. Raghendra Singh*** and ***Ashok Kumar Pandey vs M/s. Bharat Coking Coal Limited.***

4. I have considered the said submissions made by the learned counsel for the petitioner.

5. It is true that in some fact situations, the Courts have held that the gratuity amount can also be withheld and has been held that it is liable for protection in some fact situations. However, considering the quantum of the amount which is awarded (i.e.) Rs.34,327/-, it may not be appropriate for this Court to interfere with the order of the authorities. Needless to mention that the petitioner management can pay the said amount and the loan amount is due can very well be recovered in the manner known to law by appropriate legal means. Only considering the quantum of the amount involved, this Court is not interfering with the matter without going into the question with reference to the recoverability or adjustability in accordance with law.



W.P.No.105 of 2025

6. In view thereof, this writ petition is disposed of. Consequently,

connected miscellaneous petition is closed. No costs.

06.01.2025

Neutral Citation: Yes/No
nsl

D.BHARATHA CHAKRAVARTHY, J.

nsl



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