



W.P.Nos.1580 & 1581 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.Nos.1580 & 1581 of 2011

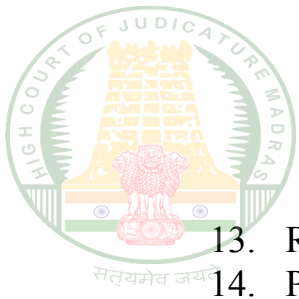
and

MP.Nos.1 & 2 of 2011

The Senior Manager (HRD),
Hindustan Photo Films,
Manufacturing Company Ltd.,
Ootacamund – 643 005, The Nilgiris. ...Petitioner in both W.P's.

Vs.

1. The Regional Labour Commissioner (Central),
The Appellate Authority under the Payment of Gratuity Act, 1972,
No.26, Haddows Road, Sastri Bhavan,
Chennai – 600 006.
2. The Assistant Labour Commissioner (Central),
Controlling Authority under the Payment of Gratuity Act, 1972,
No.26, Haddows Road, Sastri Bhavan,
Chennai – 600 006. ...1st & 2nd Respondents in both W.P's.
3. N. Rajamani
4. B.Raman
5. T.B.Sivaprakash
6. K.Selvaraj
7. P.Gopal
8. G.Ragunathan
9. J.Gopalan
10. K.Bojan
11. K.Ponnusamy
12. K.Ramakrishnan ...Respondent 3 to 12 in W.P.No.1580 of 2011



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13. R.Nagarajan
14. P.Kanagaraj
15. S.Vijayakumar
16. A.Antony Doss
17. E.M.Ramalingam
18. V.Chinnadurai
19. K.Balakrishnan
20. S.Balasubramanian
21. J.Stanley Peter
22. S.Arjunan

Respondents 3 to 22

Rep. by Shri. G.Radhakrishnan,

43, Kalidasan Pillai Street,

Kandal, Finger Post P.O.,

Ootacamund.

...Respondent 3 to 12 in W.P.No.1581 of 2011

Prayer in W.P.No.1580 of 2011: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the order dated 04.10.2010 passed by the 1st respondent in Gratuity Appeals Nos.14 to 23 of 2010 confirming the order dated 30.07.2009 passed by the 2nd respondent in Gratuity Application Nos.48/19/2009-B2, 48/20/2009-B2, 48/21/2009-B2, 48/22/2009-B2, 48/25/2009-B2, 48/26/2009-B2, 48/27/2009-B2, 48/28/2009-B2, 48/30/2009-B2 and 48/32/2009-B2 and quash the same.

Prayer in W.P.No.1581 of 2011: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the order dated 30.09.2010 passed by the 1st respondent in Gratuity Appeals Nos.4 to 23 of 2010 confirming the order dated 30.07.2009 passed by the 2nd respondent in Gratuity Application



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Nos.48/9/2009-B2, 48/10/2009-B2, 48/11/2009-B2, 48/12/2009-B2,
48/13/2009-B2, 48/14/2009-B2, 48/15/2009-B2, 48/16/2009-B2,
48/17/2009-B2 and 48/18/2009-B2 and quash the same.

In both W.P's.:

For Petitioner : Ms.N.Varsha
for M/s.Aiyar And Dolia

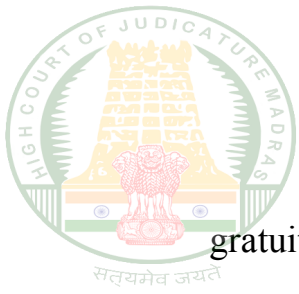
For Respondents : Mr.G.Baskaran, CGSC for R1 & R2
No Appearance, for R3 to R12

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. These two Writ petitions are filed challenging the orders passed by the 1st respondent dated 04.10.2010 and 30.09.2010 made in the respective gratuity Appeals 4 to 13 and 14 to 23 of 2010, respectively.

3. The short facts are that the respective private respondents were the former employees of the petitioner company. They opted for voluntary retirement and were relieved from service on 30.04.2007 itself and they were paid a lumpsum as per the agreed terms. While so, the private respondents herein filed applications seeking payment of dues of



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gratuity amount under the provisions of Payment of Gratuity Act, 1972 in

Gratuity Application Nos.48/9/2009-B2, 48/10/2009-B2, 48/11/2009-B2,

48/12/2009-B2, 48/13/2009-B2, 48/14/2009-B2, 48/15/2009-B2,

48/16/2009-B2, 48/17/2009-B2, 48/18/2009-B2, 48/19/2009-B2,

48/20/2009-B2, 48/21/2009-B2, 48/22/2009-B2, 48/25/2009-B2,

48/26/2009-B2, 48/27/2009-B2, 48/28/2009-B2, 48/30/2009-B2 and

48/32/2009-B2 respectively. The 2nd respondent, by order dated

30.07.2009 allowed the said applications by granting the prayer sought

for by the respective workers. Aggrieved by the same, the petitioner filed

appeals before the 1st respondent in G.A.Nos.4 to 23 of 2010, who in

turn, without considering any of the above said facts, dismissed the said

appeals, vide orders dated 04.10.2010 and 30.09.2010 respectively,

confirming the order dated 30.07.2009 passed by the 2nd respondent.

Aggrieved by the same, the present Writ petitions have been filed.

4. Heard learned counsel on either side and perused the materials available on record.

5. In the affidavit filed in support of these writ petitions, the petitioner has only quoted the relevant clauses and rules and tried to



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justify that the private respondents would not be entitled to any relief.

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However, at paragraph No.8 of the affidavit, the petitioner has stated that the matter was subjudiced, since, the petitioner had filed Writ Appeals before this Court in W.A.Nos.498 & 499 of 2006 challenging the order of dismissal dated 21.03.2006 passed by this Court in W.P.Nos.7938 & 7939 of 2004 filed seeking quashment of the order of the Appellate authority confirming the order of the Original authority passed in a batch of claim petitions filed by the similarly situated persons like that of the private respondents herein. The petitioner, therefore contented that, when the matter was subjudiced, the 1st respondent/appellate authority was in error in passing the present impugned orders, confirming the order passed by the 2nd respondent/original authority.

6. However, on a perusal of the materials available, it is evident that, the Hon'ble First Bench of this Court, vide order dated 06.07.2016 dismissed the Writ Appeal Nos.498 & 499 of 2014 as withdrawn. Indeed, before the Hon'ble First bench, the learned counsel for the petitioner submitted that, the current factual and legal positions would not entitle the appellant to press the appeals. The relevant paragraph of the said order is extracted as hereunder.



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"Learned counsel for the appellant-company fairly states that the current factual and legal position would not entitle the appellant to press the appeals, but she expresses her concern that there is still outflow from the appellant even though a winding up petition is pending from 2003 before the learned Single Judge and the Government has taken a decision to wind up the appellant-company, as no manufacturing activity is going on for the last four years.

2.We, thus, dismiss the appeals as withdrawn and simultaneously direct that the Company Petition No.114 of 2003 be placed before the learned Single Judge on 12.07.2016, as in the absence of manufacturing activity and a decision being taken to wind up the appellant, there is no finality to the issue resulting in outflows on account of salary."

7. In view of the above, now that the said writ appeals have been dismissed, that too as withdrawn by the petitioner itself, this Court does not find any infirmity in the order passed by the 1st respondent/appellate authority, confirming the order of the 2nd respondent/original authority and thereby, this Court is not inclined to interfere with the same.



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WEB COPY 8. In the result, these Writ petitions stand dismissed. No costs.

Consequently, the connected Miscellaneous petitions, if any, are closed.

12.02.2025

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Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

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M.DHANDAPANI, J.

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