



W.P.No.2716 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.2716 of 2025

and

W.M.P.No.3058 of 2025

The Management of C.R. Spinners,
Represented by its Partner Mr.Rajesh Manoharan,
S/o.Late R.Manoharan,
Subramaniyampalayam,
G.N.Mills Post, Coimbatore – 641 029. ... Petitioner

Vs.

1.The Appellate Authority under the Payment
of Gratuity Act / Additional Commissioner of Labour,
Coimbatore – 18.

2.The Controlling Authority under the Payment
of Gratuity Act / Deputy Commissioner of Labour,
Coimbatore.

3.P.Palaniammal

4.R.Sarasu

5.R.Lalitha

6.M.Rangathal

7.N.Mani

8.N.Kuppathal

9.C.Maragatham

10.G.Jothimani

11.K.Kaliyammal

12.M.Maragatham ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the rejection order of the 1st respondent/Appellate Authority dated 29.11.2024, made in ADMUNo.A/3729/2024 and quash the same, consequently, direct the 1st respondent to take on file the Appeals preferred by the petitioner on 28.11.2024 against the order dated 31.05.2023, made in G.A.Nos.424 to 433 of 2015 by the 2nd respondent, adjudicate the appeals on merits in accordance with the law.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.M.Bindhran

Additional Government Pleader [R1 & R2]

Notice dispensed with [R3 to R12]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus, to call for the entire records relating to the rejection order of the 1st respondent/Appellate Authority dated 29.11.2024, made in ADMUNo.A/3729/2024 and quash the same and consequently, direct the 1st respondent to take on file the Appeals preferred by the petitioner on 28.11.2024 against the order dated 31.05.2023, made in G.A.Nos.424 to 433 of 2015 by the 2nd respondent, adjudicate the appeals on merits in accordance with the law.



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2. Since no adverse order has been passed against the respondents 3

to 12, notice to the respondents 3 to 12 is dispensed with.

3. Mr.M.Bindhran, learned Additional Government Pleader, takes notice on behalf of the respondents 1 and 2. With the consent of the learned counsel appearing for the parties, this Writ Petition is taken up for final hearing at the stage of admission itself.

4. The case of the petitioner is that, the respondents 3 to 12 were former employees of the petitioner management, engaged in various capacities during their respective employments periods and the petitioner fully complied with all statutory obligations and paid all amounts legally due to them in accordance with law, without any default and they have also received the same without raising any objections or disputes at the relevant time, leaving no outstanding liabilities owed to them by the petitioner management. Thereafter, they have filed claim petitions under the Payment of Gratuity Act, 1972 (in short 'the Act') before the 2nd respondent in G.A.Nos.424 to 433 of 2015. Despite clear evidence of interruptions in service and the respondents 3 to 12 deliberate suppression of material facts, the 2nd respondent failed to properly appreciate and



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consider. However, by an order dated 31.05.2023, the 2nd respondent awarded gratuity to the respondents 3 to 12. Aggrieved by the same, the petitioner management filed appeals along with petition to condone the delay. However, by the impugned order dated 29.11.2024, the papers were returned by the 1st respondent on the ground that the appeals were not filed within the prescribed time limit as mandated u/s 7(7) of the Act. Challenging the same, the petitioner is before this Court.

5. Though very many grounds have been raised in the above writ petition, the learned counsel for the petitioner submits that due to unforeseen situation, the petitioner was not able to file the Appeals within the prescribed limitation period i.e., 120 days. Hence, the impugned order passed by the first respondent rejecting the appeals filed by the petitioner management is *per se* unsustainable. Accordingly, he prays for allowing the above writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.



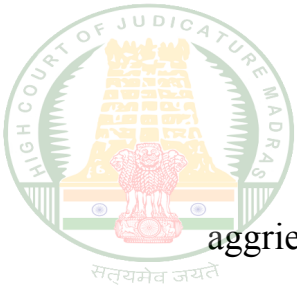
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WEB COPY 7. Admittedly, the controlling authority / second respondent passed the order dated 31.05.2023 in G.A.Nos.424 to 433 of 2015 directing the petitioner to pay gratuity to the respondents 3 to 12 within 30 days, against which, the petitioner preferred appeals along with petitions to condone the delay before the appellate authority / first respondent, who in turn rejected the same vide order dated 29.11.2024 on the ground that the petitioner management has filed the appeals beyond the prescribed time limit of 120 days as per Section 7(7) of the Act. For better appreciation, the relevant provisions u/s.7(7) of the Act is extracted hereunder:

7(7) – Any person aggrieved by an order under sub-section (4) may, within sixty days from the date of the receipt of the order, prefer an appeal to the appropriate Government or such other authority as may be specified by the appropriate Government in this behalf:

Provided that the appropriate Government or the appellate authority, as the case may be, may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days.

8. A perusal of Section 7(7) of the Act reveals that any appeal



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aggrieved by an order under sub-section (4) of the Act has to be filed within the period of sixty days from the date of receipt of the said order, in case if any sufficient cause is shown to the appellate authority, the Government has power under the proviso to Section 7 of the Act to extend the period of limitation further for a period of 60 days.

9. Though the facts stands as such, however, in the present case on hand, the controlling authority has passed the order on 31.05.2023, however, the petitioner has not chosen to file appeals before the appellate authority within the prescribed limitation period of 120 days as per Section 7(7) of the Act. Therefore, the delay caused by the petitioner cannot said to be a sufficient ground for consideration. Hence, the impugned order passed by the first respondent dated 29.11.2024 cannot be interfered with, since he has no power to extend the prescribed time frame as per the statutes.

10. With the above observations and reasons, this Writ Petition is dismissed. No costs. Consequently, the connected writ miscellaneous



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petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

sp

To

- 1.The Appellate Authority under the Payment of Gratuity Act / Additional Commissioner of Labour, Coimbatore – 18.
- 2.The Controlling Authority under the Payment of Gratuity Act / Deputy Commissioner of Labour, Coimbatore.



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M.DHANDAPANI, J.

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