



W.P.Nos.16504 to 16507 & 21071 to 21075 of 2013

W.P. NOS. 16504 TO 16507 & 21071 TO 21075 OF 2013

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M.DHANDAPANI, J.

These writ petitions are listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. A letter has been circulated by the learned counsel for the petitioner in which it is submitted that the cause title of all the cases have not been shown in the order, which thus prevents the petitioners from preferring an appeal. Therefore, learned counsel who prays that the Registry may be directed to include all the cause title in the order dated 24.2.2025 and issue a fresh order copy.

3. On enquiries with the Registry, it transpires that previously in case where the number of cases is 5 and below, the Personal Assistants used to type all the cause title in the order; but where the number of cases exceed 5, cause title of one of the writ petition alone is being typed by the Personal Assistant and when the certified copy is issued, the Registry incorporates all the cause title and gives a consolidated copy to the parties. However, the numbers of all the writ petitions were shown in the cause title in the order typed by the Personal Assistants.



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4. However, it is informed that a decision has been taken on the Administrative side that the order, as uploaded in the internet be downloaded and given as certified copy to the parties, which has resulted in the present position.

5. The reason for the Personal Assistants not typing the cause title of the entire batch of cases exceeding 5 is only to save time for the Personal Assistants to complete all the orders, which are taken by them at the earliest so that the same can be provided to the parties at the earliest point of time. In the backend, the staff, who issue the certified order copy, incorporates all the cause title and gives a consolidated order copy to the parties so as to enable the parties for taking up the matter further.

6. It is brought to the notice of this Court that based on a judicial direction passed by a Division Bench of this Court that the entire order should not be corrected/changed by means of any additions/deletions/interpolations and any correction should be placed before the Court for passing further orders, resultantly, the present matters are listed before this Court as the Registry is unable to carry out any additions, even with regard to cause title in the order, more specifically in batch cases, which at times, runs to many pages.



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7. In the aforesaid backdrop, insofar as the present cases is concerned, Registry is directed to include the long cause title of all the cases in the order in the cause title portion and issue fresh order copy to the parties.

19.06.2025

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GLN/sp

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19.06.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.16504 to 16507 & 21071 to 21075 of 2013

and

M.P.Nos.1, 1, 1, 2, 2, 2, 2 & 2 of 2013

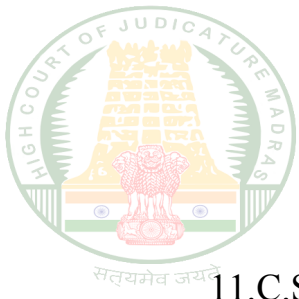
W.P.No.16504 of 2013

Neyveli Lignite Corporation Limited,
Represented by its Chairman cum Managing Director,
Block – 1, Neyveli – 607 801. ... Petitioner

Vs.

1.The Controlling Authority under the Payment of Gratuity Act, 1972,
(The Assistant Commissioner of Labour – Central),
DA-0, BSNL Staff Quarters, Jaya Nagar,
Reddiarpalayam,
Puducherry – 605 010.

- 2.V.Jaffer Hussain
- 3.B.Padmanabha
- 4.S.Subramanya Rao
- 5.S.Prabath
- 6.S.Narayanasamy
- 7.V.Santhanaraman
- 8.P.Narayanan
- 9.K.Janarthanan
- 10.N.Sadasivam



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- 11.C.Stanley Rajasingh
 - 12.K.M.Ramalingam
 - 13.T.Selvarajan
 - 14.M.Perumal
 - 15.K.Abdul Wahab
 - 16.N.Jayaraman
 - 17.G.Krishnamoorthy
 - 18.A.Velayutham
 - 19.M.Subbu Chetty
 - 20.M.Syed Ahamed
 - 21.T.K.Karunakaran
 - 22.B.Ramasamy
 - 23.A.Dakshinamurthy
 - 24.R.Sivasakthivel
 - 25.R.Nagappan
 - 26.M.D.Jagan Mohan
 - 27.M.Jaganathan
 - 28.P.V.Raman
 - 29.G.Mani
 - 30.F.Sammanasunathan
 - 31.M.Mohamed Abdullah
 - 32.S.Ganesan
 - 33.V.Rajavelu
 - 34.N.Radhakrishnan
 - 35.K.Muniammal
 - 36.R.Kathiravan
 - 37.Rajathi

... Respondents

Prayer in W.P.No.16504 of 2013 : Writ 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 of the 1st respondent passed in G.A.Nos.178/2011, 185/2011 to 387/2011 dated 06.05.2013, quash the same.



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For Petitioner : Mr.N.Nithianandam
(in all WPs)

For Respondents : No appearance [R1, R3, R4 to R23, R25, R27
(in to R34, R37]
W.P.No.16504 Not Ready in Notice [R2]
of 2013) Mr.Avinash Wadhwani [R24, R26, R35 &
R36]

For Respondents : No appearance [R1, R2 to R21, R23, R25,
(in R26, R28 to R45, R46, R47 to R58, R60 to
W.P.No.16505 R63]
of 2013) Mr.Avinash Wadhwani [R22, R24, R26, R27
& R64]
Died (steps due to bring LRs) [R59]

For Respondents : No appearance [R1, R2, R4 to R19, R24 to
(in R31, R52 to R56, R58 to R72 & R74]
W.P.No.16506 Died (steps due to bring LRs) [R3]
of 2013 Mr.Avinash Wadhwani [R20, R28, R57 &
R73]
Died (steps due to bring LRs) [R59]

For Respondents : No appearance [R1, R2 to R6, R8 to R10, R12
(in to R14, R16 to R19, R22 to R33]
W.P.No.16507 Mr.Avinash Wadhwani [R7, R11, R15 &
of 2013) R21]
Died (steps due to bring LRs) [R20]

For Respondents : No appearance [R1 & R79]
(in Mr.K.M.Ramesh
W.P.No.21071 Senior Counsel
of 2013) for M/s.S.Apunu [R2 to R78, R80 to R125]

For Respondents : No appearance [R1]
(in Mr.K.M.Ramesh
W.P.No.21072 Senior Counsel
of 2013) for M/s.S.Apunu [R2]

For Respondents : No appearance [R1]
(in Mr.K.M.Ramesh



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W.P.No.21073 Senior Counsel
of 2013) for M/s.S.Apunu [R2 to R12]

For Respondents : No appearance [R1]
(in Mr.K.M.Ramesh

W.P.No.21074 Senior Counsel
of 2013) for M/s.S.Apunu [R2 to R30]

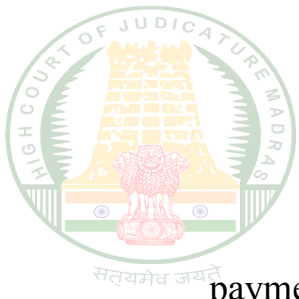
For Respondents : No appearance [R1]
(in Mr.K.M.Ramesh

W.P.No.21075 Senior Counsel
of 2013) for M/s.S.Apunu [R2 to R11]

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by way of this common order.

2. The case of the petitioner is that, it is a Central Government Public Sector Undertaking (PSU) and is governed by the provisions of Payment of Gratuity Act, 1972 (in short 'the Act') and adhering to the provisions of the Act. The respective private respondents/workmen retired from the services of the Corporation on attaining age of superannuation on different dates. They have filed applications for



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payment of gratuity and without considering the fact that similarly situated persons like that of the respective private respondents/workmen entered settlement with the petitioner Corporation before the Lok Adalat in terms of Legal Services Authority Act, is binding on them, the controlling authority/1st respondent entertained the gratuity applications and passed the impugned orders in favour of the workmen. Challenging the same, the present writ petitions have been filed.

3. Learned counsel appearing for the petitioner Corporation submitted that there is a statutory force in respect of Lok Adalat award and as per Legal Service Authority Act and the statutory force was not taken into consideration by the controlling authority while passing the impugned orders. In support of his contention, he relied upon the judgment reported in ***JT 2011 (5) SC 59*** and submitted that mere appeal remedy available to the petitioner Corporation is not a complete bar to the petitioner Corporation to file writ petitions before this Court under Article 226 of Constitution of India. Accordingly, he prays for allowing the writ petitions.



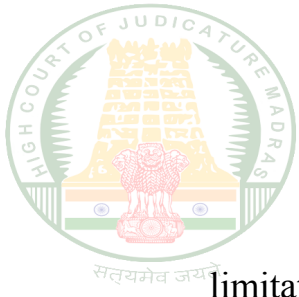
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4. On the above contention, heard Mr.Avinash Wadhwani, learned counsel appearing for the respective workmen and perused the materials available on record.

5. Admittedly, there is an effective appeal remedy available before the appellate authority under the Act as against the impugned orders and whatever the grounds available to the petitioner Corporation can very well be raised before the appellate authority and the appellate authority have jurisdiction to adjudicate the same. However, without exhausting the appeal remedy available under the Act, filing the present writ petitions before this Court under 226 of the Constitution of India, is *per se* unsustainable. Therefore, the prayer sought for by the petitioner Corporation cannot be acceded to and these writ petitions are liable to be dismissed.

6. Accordingly, these Writ Petitions are dismissed with liberty to the petitioner Corporation to approach the appellate authority under the Payment of Gratuity Act, 1972 and the period during which these writ petitions are pending before this Court is excluded for the purpose of



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limitation. No costs. Consequently, the connected writ miscellaneous petitions are closed.

24.02.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Controlling Authority under the Payment of Gratuity Act, 1972,
(The Assistant Commissioner of Labour – Central),
DA-0, BSNL Staff Quarters, Jaya Nagar,
Reddiarpalayam,
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