



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

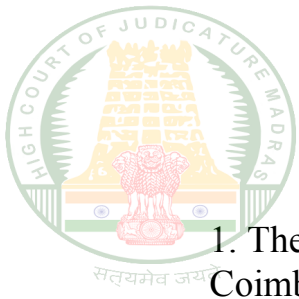
W.P.No.29562 of 2011

1. P. Chinnasamy Died
2. P.Arumugam
3. A.Eswaramurthy
4. N.Kandasamy
5. S.Rangasamy
6. S.Dhandapani (Died)
7. M.Manian
8. P.Ramasamy
9. R.Palanisamy
10. R.Natarajan
11. D.Sakuntala
12. D.Chandrasekar
13. D.Vijayakumar
- (P11 to 13 impleaded as LR's of
6th petitioner as per order dated 20.04.2018
WMP.No.24737/2016 by this Court)
14. C.Kamalam
15. C.Suresh
16. Neesha

(P14 to 16 impleaded as LR's of 1st petitioner
as per order dated 11.01.2024 in WMP.No
24737/2016 by this Court)

... Petitioner

Vs.



WEB COPY

1. The Joint Commissioner of Labour,
Coimbatore – 18

2. The Assistant Commissioner of Labour,
Coimbatore 18.

3. The Management of Dhanalakshmi Mills Ltd.,
130, B.S.Sundaram Road, Tiruppur-601.

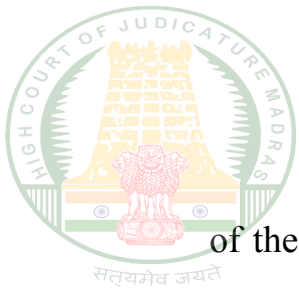
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the connected records from the respondent in PGA 19/2011 to 28/2011 and quash the common order dated 11.08.2011 and consequently direct the 3rd respondent to pay the gratuity amounts due to the petitioners for the 5year period period as mentioned against their names in para 5 of the affidavit, together with iterest at 10% per annum on the said amount from the date of the petitioner's resignation, award costs.

For Petitioner	: Mr.S.Sathish Kumar
For Respondents	: Mr.M.Murali, G.A. RR1 & 2 Mr.Gupta & Rave R3

ORDER

The Writ petition has been filed seeking to quash the order passed by the respondent in PGA 19/2011 to 28/2011 dated 11.08.2011 and consequently direct the 3rd respondent to pay the gratuity amounts due to the petitioners for the 5 year period as mentioned against their names in para 5

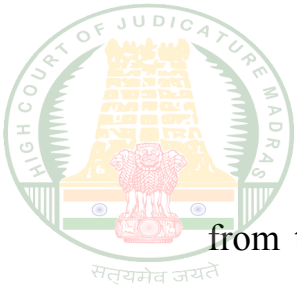


WEB COPY

of the affidavit, together with interest at 10% per annum on the said amount from the date of the petitioner's resignation, award costs.

2. The case of the petitioners is that the petitioners are the employees in 3rd respondent mill at Tiruppur and they have entered into service in the year 1973 onwards. Due to mismanagement, the company has not functioned from 1983 onwards. After 18(1) settlement, the petitioners resigned from services of the 3rd respondent. The petitioners filed a Gratuity Application before the second respondent claiming gratuity for 1998 to 2003. The second respondent vide order dated 18.03.2010 allowed the petition. However, the first respondent/appellate authority vide order dated 11.08.2011 reversed the decision on the ground that the 3rd respondent closed the company in March 1998 and therefore, the petitioners are not entitled to gratuity for the above said period. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that as per Section 2A(1) of the P.G. Act, 1972, the petitioners are entitled to claim gratuity



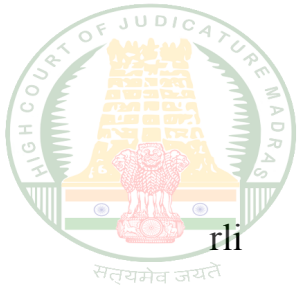
WEB.COM

from the third respondent. The second respondent has rightly allowed the Gratuity Petition filed by the petitioners. However, the first respondent reversed the same which is not sustainable one.

4. Per contra, the learned counsel for the third respondent submitted that for the very same issue came up for consideration before this Court in W.P.No.27494/2009 filed by the employees who were working with the third respondent, this Court vide its order dated 28.06.2011 dismissed the writ petition by confirming the order passed by the first respondent. Challenging the said order of this Court, the petitioners have filed writ appeal before this Court and the same is also dismissed. Hence, this Court may dismiss the writ petition.

5. In view of the above said order in W.P.No.27494 of 2009, this writ petition is also liable to be set aside as the issue in the present writ petition is similar in nature. Accordingly, the same is dismissed. Consequently, connected miscellaneous petition is also closed. No costs.

10.02.2025



WEB COPY

To

1. The Joint Commissioner of Labour,
Coimbatore – 18
2. The Assistant Commissioner of Labour,
Coimbatore 18.



WEB COPY



M.DHANDAPANI, J.
rli

W.P.No.29562 of 2011

10.02.2025