IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

W.A.No.2614 of 2025
and C.M.P.No.20886 of 2025

The Managing Director,
Tirupattur Co-op., Sugar Mills Ltd.,
Kethandapatti,
Thirupattur District – 635 815. ... Appellant

Vs.

1.C.Selvaraj

2.The Commissioner Sugar Corporation,
No.690, Anna Salai, Nandanam,
Chennai – 600 035. ... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, seeking to set aside the order passed by the learned Judge in W.P.No.14649/2022 dated 03.06.2024.

For Appellant	:	Mr.M.Alagu Goutham
For R1	:	Mr.S.Ezhil Raj
For R2	:	Mr.R.Kumaravel, Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by *M.S.RAMESH, J.*)

In a connected batch of Writ Appeals, which has also been referred to in paragraph 12 of the impugned order before us in W.P.No.14649 of 2022 dated 03.06.2024, the appeal filed by the Management in W.A.Nos.361 of 2024 etc., batch dated 20.06.2024 was dismissed. The said judgment reads as follows:-

> **"***Challenging the common order made in W.P.Nos.17795, 17779, 18330, 27317 and 2199 of 2022, the aggrieved respondents therein / Management of Cooperative Sugar Mills, have preferred the present writ appeals.*
>
> *2. Brief facts that are required for consideration of these appeals are as follows:*
>
> *2.1. The appellants herein are the Management*

of Cooperative Sugar Mills and the respondents are the employees. The case of the appellants is that the respondents are seasonal employees in the 1 st appellant Management and they have completed more than 27 years of service and their gratuity amounts were collected as per Section 4 of the Payment of Gratuity Act, 1972.

2.2. The appellant Management paid only 7 days gratuity amount to the respondents as per the Gratuity Act. However, the respondents claimed that they have to pay gratuity for 15 days per year as per the Circular issued by the 2 nd appellant dated 25.07.1990. Therefore, the respondents approached this Court by filing W.P.Nos. 17795, 17779, 18330, 27317 and 2199 of 2022, to pay 15 days gratuity amount to them. This Court, allowed the writ petitions on 06.11.2023. Challenging the said order, the present writ appeals are filed by the appellant Management.

3. The learned counsel appearing for the appellants submitted that as per Section 4 of the Payment of Gratuity Act, the present respondents are entitled to get gratuity only for 7 days and the Government cannot issue a Circular dated 25.07.1990, overriding the statute.

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4. Further the said Circular also precedes another Circular dated 20.08.1997, wherein it was held as follows:-

> *" ... that the employees, who work as seasonal employee throughout their service and retire as same, are entitled to gratuity calculated at the rate of 7 days wages for each year of completed service, as provided under Section 4 of the Act, except for years they worked for not less than 240 days in a year for which they have to be paid gratuity, calculated at the rate of 15 days wages for each years as per the provisions of the Act, irrespective of the date of retirement.*

Therefore, the learned Judge without considering the disputed questions of fact, has wrongly come to a conclusion to grant gratuity amount to the respondents for 15 days per year.

5. Per contra, the learned counsel appearing for the respondents had relied upon the similar cases and submitted that when similar cases were taken on appeal before this Court, this Court had dealt with Circular dated 25.07.1990 and held that all those workmen, who had put in more than 20 years of service, were directed to be paid gratuity at the rate of 15 days wages per *year.*

6. Futhermore, the learned counsel submitted that the workmen involved in all these writ petitions are also similarly placed and the judgment of Hon'ble Division Bench is squarely applicable to these cases also. Therefore, the learned Single Judge after carefully scrutinizing all these aspects, has rightly allowed the writ petitions, directing the appellants to pay gratuity amount 15 days per year for their services and therefore, prayed for dismissing the appeals.

7. Heard both sides and perused the materials.

8. Perusal of records would show that the endeavour of the learned counsel for the appellants is to convince this Court to state that the Circular dated 20.08.1997 was not taken into consideration, however the learned Judge after going into the entire facts and judgments relied on by the respondents, in that regard, held that the said Circular was not placed for consideration before the competent authority and thereby, the learned Judge refused to accept the said contention and pointed out that any Circular issued by the Government will not deprive the benefits given to the similarly placed persons and rightly reached a conclusion to grant Gratuity for 15 days in a year.

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9. This Court, after carefully going through the well reasoned order, is of the view that the appellants have admitted that the respondents have put in more than 20 years of service, however, as per the Circular, the disputed question of fact is as to whether they worked for not less than 240 days in a year and in that regard, there is no materials available before this Court to dispute the same. Since the respondents have worked for 27 years as seasonal employees, they are entitled to get Gratuity for 15 days and therefore, this Court does not find any infirmity in the order passed by the learned Judge and not inclined to interfere with the same. Accordingly, these Writ Appeals are dismissed. No costs. Consequently connected miscellaneous petitions are closed."

2. It is not in dispute that the claim of the workmen in the aforesaid batch of cases is same as that in the present Writ Appeal. As such, we are not in a position to take a different view from that of the judgment passed by a Co-ordinate Bench, which is extracted above.

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3. Accordingly, this Writ Appeal stands dismissed in view of the judgment passed in W.A.Nos.361 of 2024 etc., batch dated 20.06.2024. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.] **[R.S.V, J.]**

17.11.2025

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

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To

The Commissioner Sugar Corporation,
No.690, Anna Salai, Nandanam,
Chennai – 600 035.

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and
R. SAKTHIVEL, J.

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