



W.P.Nos.6212 & 6216 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.6212 & 6216 of 2025
and
W.M.P.Nos.6827 & 6831 of 2025

The Commissioner,
Kancheepuram Corporation,
Kancheepuram, Kancheepuram District. ... Petitioner in both WPs

Vs.

1.The Deputy Commissioner of Labour,
(Additional Incharge),
Authority under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour-2,
Chennai – 600 006. ... 1st Respondent in both WPs

2.R.Raji ... 2nd Respondent in W.P.No.6212 of 2025

3.K.Elangovan ... 2nd Respondent in W.P.No.6216 of 2025

Prayer in both WPs: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the order passed by 1st respondent in P.G.Nos.164 & 163 of 2024, dated 25.11.2024 directing the petitioner to pay a sum of Rs.3,27,471 and Rs.2,45,603/- with 10% of interest to the 2nd respondent and to quash the same.



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For Petitioner : Mr.G.B.Rajesh
(in both WPs)

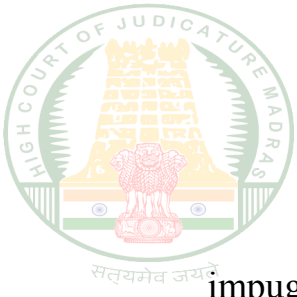
For Respondents : Mr.K.Surendran
(in both WPs) Additional Government Pleader [R1]
Notice dispensed with [R2]

COMMON ORDER

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

2. It is seen from the order dated 21.02.2025 passed by this Court that, though these writ petitions have been dismissed by granting liberty to the petitioner to prefer appeal before the appellate authority, however, this Court has not directed the Registry to return the original impugned orders to the petitioner, enabling him to workout the remedy in the manner known to law. Therefore, it is prayed that necessary modification be made in para-6 of the order dated 21.02.2025.

3. Upon hearing the learned counsel and perusing the order, it is seen that direction has to be issued to the Registry to return the original



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impugned orders to the petitioner. In view of the aforesaid submission, para-6 of the order dated 21.02.2025 shall stand substituted with the following :-

*“With the above liberty, these Writ Petitions are dismissed. No costs. Consequently, the connected writ miscellaneous petitions are closed. **Registry is directed to return the original impugned orders to the petitioner, enabling him to workout the remedy in the manner known to law.**”*

4. Registry is directed to carry out the aforesaid corrections and issue fresh order copy to the parties.

28.02.2025

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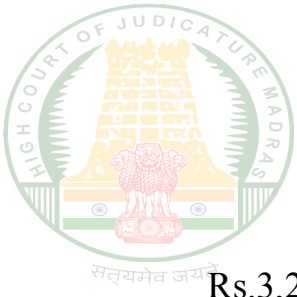
Vs.

1.The Deputy Commissioner of Labour,
(Additional Incharge),
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Prayer in both WPs: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the order passed by 1st respondent in P.G.Nos.164 & 163 of 2024, dated 25.11.2024 directing the petitioner to pay a sum of



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Rs.3,27,471 and Rs.2,45,603/- with 10% of interest to the 2nd respondent and to quash the same.

For Petitioner : Mr.G.B.Rajesh
(in both WPs)

For Respondents : Mr.K.Surendran
(in both WPs) Additional Government Pleader [R1]
Notice dispensed with [R2]

COMMON ORDER

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

2. Since no adverse order has been passed against the respective 2nd respondent, notice to the respective 2nd respondent is dispensed with.

3. The case of the petitioner is that, the respective 2nd respondent joined as Over Head Tank Operator in the petitioner corporation in the year 1991 and 1999 respectively and their nature of work is to switch on



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the motor and switch off the motor and they were relieved from service on 31.08.2023. Thereafter, they have filed petitions claiming gratuity u/s 7(1) of the Payment of Gratuity Act, 1972 (in short 'the Act') before the 1st respondent. After enquiry, the 1st respondent passed the impugned order dated 25.11.2024, directing the petitioner to pay a sum of Rs.3,27,471/- and Rs.2,45,603/- respectively with 10% interest to the respective 2nd respondent u/s 7(3A) of the Act. Challenging the same, the above writ petitions are filed before this Court.

4. Though very many grounds have been raised in these writ petitions, learned counsel appearing for the petitioner submits that, as against the impugned order passed by the first respondent, there is an effective appeal remedy before the appellate authority under Section 7(7) of the Act. Hence, he prays that, this Court may grant the above liberty to the petitioner.

5. In view of the above submissions made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order, grants liberty to the petitioner to prefer an appeal before



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the appellate authority in the manner known to law, if the limitation period has not expired.

6. With the above liberty, these Writ Petitions are dismissed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

21.02.2025

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

The Deputy Commissioner of Labour,
(Additional Incharge),
Authority under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour-2,
Chennai – 600 006.



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