



WEB COPY



W.P.No.10730 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.10730 of 2025

and

WMP.No.12078 of 2025

The Registrar,
Bharathiar University,
Coimbatore – 641 046.

...Petitioner

Vs.

1. V.Kubendran
2. The Controlling Authority under the Payment of Gratuity Act - II,
(Joint Commissioner of Labour – II),
Office of the Joint Commissioner of Labour II,
Coimbatore – 18.
3. The Appellate Authority under the Payment of Gratuity Act - II,
Office of Additional Commissioner of Labour,
Coimbatore – 18.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order/proceedings of the 3rd respondent in A.Thi.Mu.No.Aa/1105/2024 dated 28.03.2024 received on 03.04.2024 quash the same and



W.P.No.10730 of 2025

direct the 3rd respondent to number and decide the appeal filed by the petitioner against the order of the 2nd respondent dated 03.05.2023 in G.A.No.250 of 2019.

For Petitioner : Mr.P.R.Gopinathan

For Respondents : Mr.K.Surendran, AGP, for R2 & R3

ORDER

This Writ petition has been filed seeking quashment of the order of the 3rd respondent in A.Thi.Mu.No.Aa/1105/2024 dated 28.03.2024 and for a consequential direction to the 3rd respondent to number and decide the appeal filed by the petitioner as against the order of the 2nd respondent dated 03.05.2023 made in G.A.No.250 of 2019.

2. Mr.K.Surendran, learned Additional Government Pleader takes notice on behalf of the 2nd and 3rd respondents. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

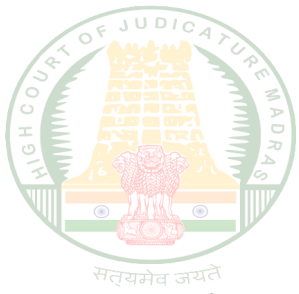


W.P.No.10730 of 2025

WEB COPY

3. Since no adverse order is being passed against the 1st respondent, notice to the 1st respondent is dispensed with.

4. The case of the petitioner is that the petitioner is one of the finest university in the country. The short facts leading to the filing of this Writ petition are that, the 1st respondent was appointed as Professor in the petitioner University on 24.01.2008 and he subsequently, superannuated on 31.05.2017. The 1st respondent being appointed in the year 2008, he was brought under the Contributory Pension scheme. While so, the 1st respondent after his retirement requested the petitioner to pay his gratuity amount and as the said claim of the 1st respondent was negatived by the petitioner on the ground that he was covered under Contributory Pension scheme and those individuals are not entitled for any gratuity amount, the 1st respondent approached the 2nd respondent challenging the said rejection. The 2nd respondent, on an analysis of the evidence let in by both sides and on the perusal of the exhibits marked before it, held that the 1st respondent is entitled for gratuity and accordingly directed the petitioner to pay the gratuity amount



W.P.No.10730 of 2025

WEB COPY

from the date of entitlement till the date of deposit with 10% interest, vide order dated 03.05.2023. The said order was challenged by the petitioner before the 3rd respondent. However, the 3rd respondent, vide impugned order dated 28.03.2024, rejected the appeal on the ground that the petitioner has approached with a delay of 172 days. The said order is challenged before this Court in the present Writ petition.

5. Heard learned counsel on either side and perused the materials available on record.

6. As against the order of the 2nd respondent holding that the 1st respondent is entitled for gratuity and directing the petitioner to pay the gratuity amount in favour of the 1st respondent, the petitioner preferred an appeal before the 3rd respondent with a delay of 172 days. It is pertinent to note that, as per Section 7(7) of the Payment of Gratuity Act, the appeal has to be preferred within a period of 60 days and for proper reasons the delay could be condoned up to 120 days. Since the delay in this case was more than



W.P.No.10730 of 2025

WEB COPY

120 days, the 3rd respondent had denied permission to register the appeal and assailing the said order, the petitioner has come up with this Writ petition.

7. This Court is not inclined to go into the arguments advanced on both sides for the simple reason that even in the affidavit filed in support of this writ petition, the petitioner has nowhere stated the reason for the inordinate delay. Further, the authority is not vested with power either to condone the delay or to extend the period of limitation.

8. The petitioner University is armed with enough officials to pursue the matter and it is the authorities of the petitioner University who were lethargic in following up the order passed by the 2nd respondent and as a result, the petitioner had preferred the appeal with a delay of 172 days before the 3rd respondent. There is absolutely no justification for letting the matter to accumulate dust and particularly the petitioner being an educational institution, it cannot be allowed to plead ignorance on any account. Hence, this Court is not inclined to interfere with the impugned order passed by the 3rd respondent.



W.P.No.10730 of 2025

WEB COPY

9. Accordingly, this Writ petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

27.03.2025

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The Controlling Authority under the Payment of Gratuity Act - II,
(Joint Commissioner of Labour – II),
Office of the Joint Commissioner of Labour II,
Coimbatore – 18.
2. The Appellate Authority under the Payment of Gratuity Act - II,
Office of Additional Commissioner of Labour,
Coimbatore – 18.



WEB COPY



W.P.No.10730 of 2025

M.DHANDAPANI, J.

skt

W.P.No.10730 of 2025
and
WMP.No.12078 of 2025

27.03.2025

Page No.7 of 7