



W.P.No.11993 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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and

W.M.P.No.13561 & 13562 of 2025

M/s.A.G.Exports,
An Associate Concern of A.G.Agro Foods Exports,
Owned by Mr.Sayeed Nazir Ahamed,
No.B-29, 1st Main Road,
Ambattur Industrial Estate,
Ambattur, Chennai – 600 058. ... Petitioner

Vs.

1.The Deputy Commissioner of Labour – II,
Commissionerate of Labour,
Chennai – 600 006.

2.K.Kiruba Rajasekaran ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 1st respondent dated 15.07.2024 passed in P.G.No.314/2022 and quash the same as being violative of the Payments of Gratuity Act, 1972.

For Petitioner : Mr.C.S.Kiran

For Respondents : Mr.K.Surendren
Additional Government Pleader [R1]



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ORDER

This Writ Petition has been filed by the petitioner seeking quashment of the order passed by the 1st respondent dated 15.07.2024 made in P.G.No.314 of 2022.

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

3. Mr.K.Surendren, learned Additional Government Pleader, accepts notice on behalf of the 1st respondent. In view of the consent expressed by the learned counsel for the parties, this Writ Petition is taken up for final disposal at the stage of admission.

4. The case of the petitioner is that, the 2nd respondent was initially appointed in the petitioner company from 13.04.2006 to 31.12.2013 and thereafter, he was directed to work in M/s.A.G.Agro Foods Exports, and on 10.01.2020 without assigning valid reasons, he was terminated and in view of the same, he raised the industrial dispute wherein, the Labour Court has set aside the termination and the industrial dispute was allowed



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by awarding a compensation of Rs.50,000/- to the 2nd respondent in lieu of reinstatement with back wages and continuity of service and all other attendant benefits. Thereafter, the 2nd respondent has filed an application before the 1st respondent seeking gratuity and the 1st respondent/Labour Court passed the impugned order dated 15.07.2024, directing the petitioner to pay a sum of Rs.1,47,115/- within a period of 30 days, with interest at the rate of 10%. Challenging the same, the present writ petition is filed.

5. Learned counsel appearing for the petitioner submitted that, pursuant to the impugned order passed by the 1st respondent/Labour Court, the petitioner has calculated the amount and drawn a Demand Draft, however, due to a mistake in the DD, the same was returned on 10.03.2025. Since the limitation period has already been expired, the petitioner has filed the present writ petition. Accordingly, he prays for appropriate orders.

6. In response, learned Additional Government Pleader appearing for the 1st respondent submitted that, without prejudice to the rights of the petitioner, this Court may direct the petitioner to re-validate the DD



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and sent the same to the 1st respondent by calculating the interest at the rate of 10% from date of impugned order i.e., 15.07.2024 till the date of DD i.e., 01.04.2025 and the same will be received by the 1st respondent.

7. In view of the above submissions made by the learned counsel appearing for the parties, this Court, without interfering with the impugned order, directs the petitioner to pay the entire gratuity amount as ordered by the first respondent/Labour Court by calculating the interest at the rate of 10% from 15.07.2024 to 01.04.2025, before the 1st respondent by way of Demand Draft, within a period of four (4) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the 1st respondent is directed to close the file against the petitioner.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

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

The Deputy Commissioner of Labour – II,
Commissionerate of Labour,
Chennai – 600 006.



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M.DHANDAPANI, J.

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