



W.P. No.12885 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.12885 of 2022
and W.M.P. No.12387 of 2022

The Management,
Thiruchengodu Agricultural Producers
Co-operative Marketing Society Limited,
Vellore Road, Thiruchengode,
Namakkal – 637 211. ... Petitioner
Vs.

1. The Additional Commissioner of Labour,
Appellate Authority under the Payment
of Gratuity Act,
Office of the Additional Commissioner,
Dr. Balasundaram Road,
Coimbatore – 18.

2. The Deputy Commissioner of Labour,
Controlling Authority under the
Payment of Gratuity Act,
Salem.

3. G. Suganthi W/o. G. Vasantha Kumar ... Respondents

PRAYER: The Writ petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order dated 23.02.2022 passed by the 1st respondent in P.G.A. No.62 of 2021 confirming the order dated 02.08.2021



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passed by the 2nd respondent in P.G. No.166 of 2019 and quash the same.

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For petitioner : Mr. L. Mouli

For Respondents : Mr. E.P. Senniyanigiri,
Government Advocate [for R1 & R2]

Mr. K.M. Ramesh, Senior Counsel

For Mr. V. Subramani [for R3]

ORDER

This Writ petition has been filed challenging the order passed by the 1st respondent in P.G.A. No.62 of 2021 dated 23.02.2022 confirming the order of the 2nd respondent in P.G. No.166 of 2019 dated 02.08.2021 and to quash the same.

2. The learned counsel appearing for the petitioner would submit that the 3rd respondent was working as 'Sales Woman' and she was appointed on 15.02.1984 and retired from service on superannuation on 30.04.2018. While so, she filed an application under Section 4 of the Payment of the Gratuity Act before the 2nd respondent against the petitioner's Society. In fact, the 3rd respondent was appointed as 'Packer' in the petitioner's Society on 06.06.1990 and she attained superannuation on 30.04.2018 and she was getting salary of Rs.32,476/- at the time of retirement. Thereafter, the gratuity



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amount was calculated for a period from 06.06.1990 to 30.04.2018 and settled a sum of Rs.4,70,287/-, but the 2nd respondent passed an order that the 3rd respondent is entitled to gratuity from 15.02.1984 to 30.04.2018 and directed to pay the balance gratuity amount of Rs.1,66,742/- with 10% interest. The petitioner preferred an appeal as against the order before the 1st respondent in P.G.A. No.62 of 2021 under Section 7(7) of the Payment of Gratuity Act and the same was dismissed through an order dated 23.02.2022. The respondents 1 and 2 failed to consider that the 3rd respondent was appointed as 'Packer' on 06.06.1990 and wrongly calculated the amount from 15.02.1984. The temporary appointment orders cannot be considered as date of appointment, but the Authority without considering the same awarded Gratuity from the date of temporary appointment. Therefore, the order passed by the 2nd respondent confirming the order of the 1st respondent is liable to be quashed.

3. The learned counsel appearing for the 3rd respondent would submit that the 3rd respondent was appointed as 'Sales Woman' on 15.02.1984. Thereafter, she continued work and she was superannuated on 30.04.2018. While calculating the gratuity amount, the petitioner Society omitted to include the period from 15.02.1984 to 05.06.1990 and they only calculated



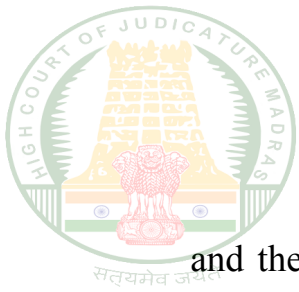
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from 06.06.1990 to 30.04.2018. Therefore, she approached the 2nd respondent, the controlling Authority and the same was allowed. The Management has not denied the date of appointment. Therefore, the Authority has considered the petitioner's request and as per Section 2(e) of the Payment of Gratuity Act, the Gratuity was paid from the date of appointment. Therefore, the 2nd respondent has passed a reasoned order and the Appellate Authority / 1st respondent has also correctly confirmed the order of the 2nd respondent and hence the Writ petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. There is no dispute that the 3rd respondent was working under the petitioner's Society. The dispute is whether the date of appointment was on 15.02.1984 or 06.06.1990. Though it is admitted by both the parties that the 3rd respondent was appointed on 15.02.1984 and she was superannuated on 30.04.2018, according to the petitioner Society, the 3rd respondent was appointed temporarily on daily basis and thereafter, she was appointed as 'Packer' on 06.06.1990. Therefore, the Gratuity was calculated from 06.06.1990. As per Section 2(e) of the Payment of Gratuity Act, a person who appointed as worker is entitled to Gratuity from the date of his appointment



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and there is no dispute that the 3rd respondent was appointed on 15.02.1984.

Therefore, from the date 15.02.1984, i.e., the date of appointment, the petitioner has to pay the Gratuity amount. Therefore, the order passed by the 1 and 2 respondents are in accordance with law and it does not warrant interference.

6. In view of the above discussions, this Court is of the opinion that the Writ petition has no merits and deserves to be dismissed.

7. Accordingly, the Writ petition is ***dismissed***. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

24.07.2025

Index : Yes/No.
Speaking order/non-speaking order
mjs

P. DHANABAL, J.,

mjs

To

1. The Additional Commissioner of Labour,
Appellate Authority under the Payment
of Gratuity Act,
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Dr. Balasundaram Road,
Coimbatore – 18.

2. The Deputy Commissioner of Labour,



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