



W.P.Nos.11668, 11670, 11671, 11674, 11687,
11691, 11692, 11694 and 11696 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.11668, 11670, 11671, 11674, 11687,
11691, 11692, 11694 and 11696 of 2025**

And

**W.M.P.Nos.13196, 13199, 13203, 13206, 13221,
13231, 13234, 13237 and 13238 of 2025**

The General Manager
Bharat Heavy Electrical Limited (BHEL)
Boiler Auxiliary Plant (BAP)
Ranipet – 632 406. ... Petitioner in all the W.Ps.

Vs.

1.The Deputy Chief Labour Commissioner (Central)
Appellate Authority under Payment of Gratuity Act, 1972,
No.4, Haddows Road,
Shastri Bhavan,
Chennai – 600 006.

2.The Assistant Labour Commissioner (Central),
Controlling Authority under Payment of Gratuity Act, 1972,
No.4, Haddows Road,
Shastri Bhavan,
Chennai – 600 006. ... Respondents in all the W.Ps.

3.Gopal	... Respondent in W.P.11668/2025
3.Pushparaj	... Respondent in W.P.11670/2025
3.Krishnan	... Respondent in W.P.11671/2025
3.Manogaran	... Respondent in W.P.11674/2025
3.Subramani	... Respondent in W.P.11687/2025



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3.Krishnan ... Respondent in W.P.11691/2025
3.Sridharan ... Respondent in W.P.11692/2025
3.M.Devaraj ... Respondent in W.P.11694/2025
3.Pushparaj ... Respondent in W.P.11696/2025

4.The Secretary
Vellore District Thuppuravu Thozhilalar
Industrial Co-operative Society
BHEL Township,
Ranipet – 632 406. ... Respondent in all the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order dated 26.02.2025 made in Gratuity Appeal Nos.4, 9, 3, 2, 7, 5, 6, 1 and 8 of 2023 respectively, on the file of the Deputy Chief Labour Commissioner (Central) and Appellate Authority under Payment of Gratuity Act, the first respondent herein confirming the order dated 07.10.2022 made in Gratuity Application Nos.39, 44, 38, 37, 42, 40, 41, 36 and 43 of 2021 respectively, on the file of the Assistant Labour Commissioner (Central) and Controlling Authority under Payment of Gratuity Act and to quash the same.

For Petitioner : Mr.A.V.Arun
For Respondents : Mr.L.V.Venkatesh for R1 and R2



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COMMON ORDER

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Mr.L.V.Venkatesh, learned counsel takes notice on behalf of the respondents 1 and 2. Since this Court is not inclined to pass any adverse order as against the respective third respondent and the fourth respondent, notice to the respective third respondent and the fourth respondent is dispensed with. By consent, the writ petitions are taken up for final disposal at the admission stage itself.

2.The writ petitions have been filed seeking issuance of Writ of Certiorari calling for the records relating to the order dated 26.02.2025 made in Gratuity Appeal Nos.4, 9, 3, 2, 7, 5, 6, 1 and 8 of 2023 respectively, on the file of the first respondent confirming the order dated 07.10.2022 made in Gratuity Application Nos.39, 44, 38, 37, 42, 40, 41, 36 and 43 of 2021 respectively, on the file of the second respondent and to quash the same.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the principal employer and the respective third respondent filed Gratuity Applications under Section 7 of the Payment of Gratuity Act, 1972 before the second respondent without impleading



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the contractor and the same were allowed in their favour against which, the petitioner filed appeals before the first respondent and the first respondent also without hearing the petitioner and without impleading the contractor, passed the impugned orders.

4.The learned counsel appearing for the petitioner further submitted that the petitioner deposited the entire amount as ordered, however, since the contractor is liable to pay the amount, this Court may, without going into the merits of the case, remand the matter back to the second respondent and permit the petitioner to file impleading petitions for impleading the contractor and issue direction to the second respondent to consider the matter afresh and decide as to who is liable to pay the gratuity amount in favour of the respective third respondent.

5.The learned counsel appearing for the respondents 1 and 2 submitted that admittedly, the respective third respondent are entitled to claim gratuity either from the contractor or from the principal employer. If the contractor fails to pay the gratuity, the respective third respondent are entitled to claim the same from the principal



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employer. The learned counsel further submitted that if the principal employer had paid the gratuity, he is entitled to recover the same from the contractor. Hence, this Court may remand the matter back to the second respondent for fresh adjudication inbetween the principal employer i.e., the petitioner and the contractor.

6.The facts of the case is not in dispute. Admittedly, the respective third respondent filed Gratuity Applications under Section 7 of the Payment of Gratuity Act, 1972 before the second respondent and the said applications were allowed in their favour and the same were confirmed by the first respondent.

7.Since the issue with regard to the entitlement of the gratuity amount to the respective third respondent was elaborately adjudicated by the second respondent and the same was confirmed by the first respondent, the entitlement of the gratuity amount to the respective third respondent need not be interfered with.

8.Already two fact finding Authority have adjudicated the issue inbetween the principal employer and the employee. The only



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grievance of the petitioner is that as to who has to pay gratuity amount to the respective third respondent, whether the principal employer or the contractor and only such dispute has to be adjudicated before the second respondent. For that limited scope, this Court grants permission to the petitioner to file impleading petitions before the second respondent to implead the contractor and this Court directs the second respondent to adjudicate the issue inbetween the principal employer namely, petitioner and the contractor and pass appropriate orders, as expeditiously as possible. The second respondent shall disburse the amount to the respective third respondent, however, the disbursement of the amount is subject to the result of the adjudication inbetween the petitioner and the newly impleaded party/contractor.

9. With the above observations, the writ petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

03.04.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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M.DHANDAPANI,J.
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