

WEB COPY

WP.No.16628 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.16628 of 2025

S.Murugan
President, SPINCO Labour Union (SLU)

... Petitioner

Vs.

1.Chief Secretary
Government Of Puducherry,
Puducherry

2.Secretary To Co-Operative Societies,
Chief Secretariat,
Government Of Puducherry,
Puducherry

3.Secretary To Government Labour Department,
Government Of Puducherry,
Puducherry

4.The Labour Commissioner
Labour Department,
Government Of Puducherry,
Puducherry

5.The Registrar Of Co-Operative Societies
Cum Administrator,
The Pondicherry Co-Op Spinning Mill Employees
Co-Operative Credit Society Ltd



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Government Of Puducherry,
V.V.P. Nagar, Thatanchavady
Puducherry 605 009

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6.The Labour Officer (Enforcement)
Cum Controlling Authority
Labour Department
Nehru Nagar
Puducherry

7.Managing Director
Pondicherry Spinning Mills,
Thirubhuvanani,
Pondicherry

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India directing the 6th respondent to consider the applications in Form N as per Rule 11 of the Payment of Gratuity Rules, 1972 submitted by the employees for the payment of Gratuity as per Payment of Gratuity Act 1972.

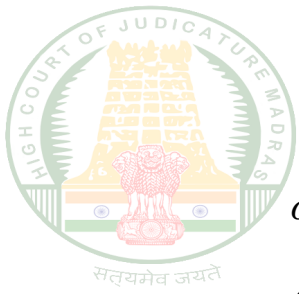
For Petitioner : M/s.V.Balamurugan

For Respondent : M/s.Dr.Ramasamy, AGP (P)
for R.1 to R.6.

ORDER

The Writ Petition is filed for the following reliefs:-

"directing the 6th respondent to consider the applications in Form N as per Rule 11 of the Payment



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*of Gratuity Rules, 1972 submitted by the employees for
the payment of Gratuity as per Payment of Gratuity Act
1972."*

2. It is the case of the petitioner, who is the President of SPINCO Labour Union (SLU) a Registered Trade Union, that the Pondicherry Cooperative Spinning Mills is a Registered Cooperative Society under the Puducherry Cooperative Societies Act, 1972, under Rule 7, Sub Rule (1) of the Payment of Gratuity (Central) Rules, 1971 (herein after called as "Rules"). It is under the supervision of the 5th and the 7th respondents and is administered and funded by the Government of Puducherry which has a major share of 91%. The Mill has commenced its commercial production with effect from 19.03.1984.

3. The petitioner would submit that on superannuation/retirement of the employees serving under the 7th respondent/ Mill, an application for the payment of gratuity was filed as per the provisions of Payment of Gratuity Act, 1972 and its Rules in Form "I" to the employer. However, despite this statutory application, the 7th respondent/Mill



had failed to comply with the statutory obligations to remit the legally entitled gratuity amount to the employees of the Mill. This is contrary to Rule 8 of the Rules.

4. In view of this inaction on the part of the 7th respondent/Spinning mill, the employees of the petitioner's union have submitted Form "N" to the Controlling Authority/6th respondent as per Rule 10 of the Rules. Despite the filing of the application under Forms "I" and "N", the 7th respondent/mill has not taken any steps to comply with its obligations and the employees are left in a lurch.

5. The 7th respondent/mill had received the details of the employees who are legally entitled for the gratuity payable on 19.12.2024 and the 6th respondent has acknowledged the receipt of the same on 27.01.2025. However, no action has been taken to date on the application filed in Form "N" constraining the petitioner to move this Court.

6. Heard the counsel on either side and perused the records.

7. The petitioner has come forward with this Writ Petition



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seeking a mandamus to the 6th respondent to consider the application in Form "N" submitted to them as per Rule 11 of the Payment of Gratuity Rules, 1972. The application has been received by the 6th respondent on 27.01.2025 and to date no action has been taken thereupon.

8. Considering the failure on the part of the 6th respondent to discharge its statutory duty, a mandamus is issued to the 6th respondent to dispose of Form "N" application submitted by the employees of the 7th respondent/mill within a period of 4 weeks from the date of receipt of a copy of this order. No costs.

04.06.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.Chief Secretary
Government Of Puducherry,
Puducherry

2.Secretary To Co-Operative Societies,

5/7



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Chief Secretariat,
Government Of Puducherry,
Puducherry

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3. Secretary To Government Labour Department,
Government Of Puducherry,
Puducherry

4. The Labour Commissioner
Labour Department,
Government Of Puducherry,
Puducherry

5. The Registrar Of Co-Operative Societies
Cum Administrator,
The Pondicherry Co-Op Spinning Mill Employees
Co-Operative Credit Society Ltd
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