



W.P.Nos.31042 of 2014 and 34486 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

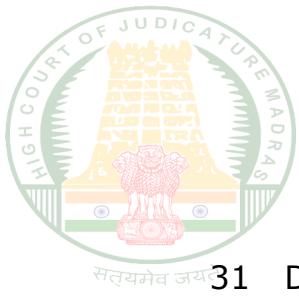
DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

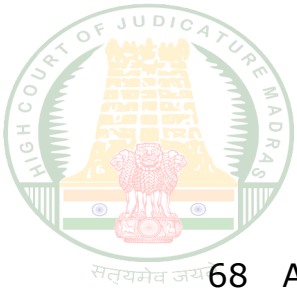
W.P.Nos.31042 of 2014 and 34486 of 2024

- 1 A.R.SERAMAN PERUMAN (DECEASED)
- 2 V.RATHINAVELU (DECEASED)
- 3 K.RAJAGOPAL
- 4 P.PERIYASAMY
- 5 S.ANNAJI
- 6 P.G.CHENNAKESAVAN (DECEASED)
- 7 P.A.ABDUL MALICK (DECEASED)
- 8 P.MURUGESAN
- 9 A.PANDURAJ
- 10 S.PAWN (DECEASED)
- 11 M.SEENI
- 12 A.KANNAN
- 13 C.SANTHAKUMAR
- 14 I.V.CHINNATHAMBI
- 15 N.KUTTIAPPAN
- 16 S.KUTHPUTHEEN
- 17 M.ABDUL SATHAR (DECEASED)
- 18 R.CHINNA MUNUSAMY (DECEASED)
- 19 S.PARANTHAMAN
- 20 MINOR VIGNESH
S/O.LATE A.CHINNATHAMBI
GUARDIAN A.SENTHIL KUMAR
- 21 P.PERIYASAMY
- 22 C.PASUPATHI (DECEASED)
- 23 M.RAJAGOPAL
- 24 M.BASUVARAJ
- 25 K.PERUMAL
- 26 P.SUNDARAM
- 27 R.KRISHNARAJ
- 28 M.CHINNAN
- 29 R.TAMILSELVAN
- 30 R.SAMPOORNAM



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- 31 D.SEKAR
32 M.R.NAGARAJAN
33 N.D.SRIRAMALU
34 R.S.NAMACHIVAYAM
35 SMT. LALITHA
36 STEPHEN SUDHAKAR
37 D.MUNIRAJ
38 P.SIVANANDHAM (DECEASED)
39 V.RAJAN
40 I.RAJENDRAN
41 M.ABDUL SUBAN
42 V.MOHAN RAO
43 M.POTHARAJAN
44 P.SOUNDARRAJAN
45 D.K.GOPALAKRISHNAN
46 P.BALARAMAN
47 M.IBRAHIM
48 C.ANGAPPAN
49 V.SRIRAMALU
50 T.SEVATHAN
51 M.SIVAM
52 K.RAJU
53 D.M.MUNIYANDI
54 S.GANAPATHI
55 N.PERUMAL
56 M.SAKUNTHALA
57 S.VARADHARAJAN
58 R.KUPPUSAMY
59 G.PACHIAPPAN
60 PALANIAMMAL
61 MAHESWARI
62 ANNAPOORANI
63 P.SINGARAM
64 M.KESAVAN
65 K.MANI
66 CHINNAMMAL
67 RAMESH
(P66, P67 SUBSTITUTED AS LRs OF DECEASED P18
VIDE ORDER DT 30.06.2023 MADE IN
WMP.18485/2023 IN WP.31042/2014 BY VLNJ)



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68 AMSAVENI

(P68 SUBSTITUTED AS LR_s OF DECEASED P10
VIDE ORDER DT 30.06.2023 MADE IN
WMP.18487/2023 IN WP.31042/2014 BY VLNJ)

69 AMBIKA

70 SATHIYANARAYANAN

71 ANNAPOORNA

72 NAVEANEETHAKUMAR

(P69 TO P72 SUBSTITUTED AS LR_s OF DECEASED P22
VIDE ORDER DT 30.06.2023 MADE IN
WMP.18488/2023 IN WP.31042/2014 BY VLNJ)

73 MOHANKUMAR

74 SARAVANAN

75 VELUMANI

76 SRIDEVI

(P73 TO P76 SUBSTITUTED AS LR_s OF DECEASED P6
VIDE ORDER DT 30.06.2023 MADE IN
WMP.18489/2023 IN WP.31042/2014 BY VLNJ)

77 ABUBAKKAR

(P77 SUBSTITUTED AS LR_s OF DECEASED P17
VIDE ORDER DT 30.06.2023 MADE IN
WMP.18490/2023 IN WP.31042/2014 BY VLNJ)

78 THAMILARASI S

79 KANDAPRASATH S

(P78 P79 SUBSTITUTED AS LR_s OF DECEASED FIRST PETITIONER
VIDE ORDER DT 25.07.2023 MADE IN
WMP.18981/2023 IN WP.31042/2014 BY GKIJ)

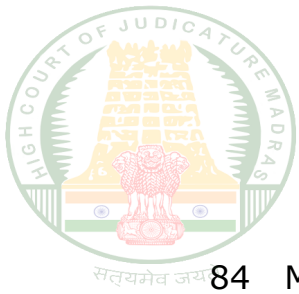
80 RAJAMMAL

81 SATHISH KUMAR

82 RANJITH KUMAR

(P80 TO P82 SUBSTITUTED AS LR_s OF DECEASED P38
VIDE ORDER DT 25.07.2023 MADE IN
WMP.19110/2023 IN WP.31042/2014 BY GKIJ)

83 RAZIA BEGUM



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84 MUSTHAQ AHMED

(P83, P84 SUBSTITUTED AS LR's OF DECEASED P7
VIDE ORDER DT 25.07.2023 MADE IN
WMP.19115/2023 IN WP.31042/2014 BY GKIJJ)

85 VASANTHA

86 SAMPATHKUMAR

87 MANISEKARAN

(P85 TO P87 SUBSTITUTED AS LR's OF DECEASED SECOND
PETITIONER VIDE ORDER DT 25.07.2023 MADE IN
WMP.19172/2023 IN WP.31042/2014 BY GKIJJ)

... Petitioners in W.P.31042/2014

1 A.KANDASAMY

2 R.SUSHEELA

3 V. SUDARSANAM

4 P. PRAGASPATHY

5 S. EKAMBARAM

6 V.JAYAKUMARI

7 M.LAKSHMI

8 V.VENKATESAN

9 B.THIRUNAVUKARASU

10 M. KANNIYAPPAN

11 M. SINGARAVELU

12 K. SAMPATH

13 N.RANI

14 K. SUBRAMANIAM

15 T.R. MURUGAN

16 P.PACHAIAPPAN

17 M. MOHAMMED IQBAL

18 P.SUNDARAMURTHI

19 N.VENUGOPAL

20 V. NATARAJAN

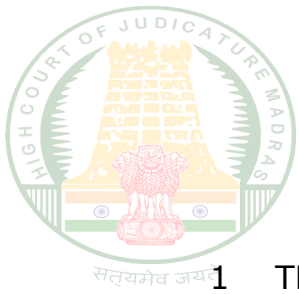
21 SMT. SUGUNA RAJENDRAN

22 G. SAMPATH

23 S.VENKATESAN

... Petitioners in W.P.34486/2024

Vs.



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WEB COPY

- 1 THE APPELLATE AUTHORITY-CUM-
JOINT COMMISSIONER OF LABOUR
COIMBATORE – 18.
- 2 THE MANAGEMENT
DHARMAPURI DISTRICT CO-OPERATIVE BANK LTD.
DHARMAPURI 636 701.
- 3 THE CONTROLLING AUTHORITY-CUM-
ASSISTANT COMMISSIONER OF LABOUR,
OFFICE OF THE DEPUTY COMMISSIONER,
SALEM.
- 4 MURALI
- 5 SELVI
- 6 SURESH
(R4 TO R6 SUBSTITUTED AS LR_s OF DECEASED P18
VIDE ORDER DT 30.06.2023 MADE IN
WMP.18485/2023 IN WP.31042/2014 BY VLNJ)
- 7 SAMAKKAI
- 8 P.SURESH
- 9 SENTHAMARAI
(R7 TO R9 SUBSTITUTED AS LR_s OF DECEASED P10
VIDE ORDER DT 30.06.2023 MADE IN
WMP.18487/2023 IN WP.31042/2014 BY VLNJ)
- 10 SHAHEERA BANU
- 11 CHANDINI
- 12 SAJITHA
(R10 TO R12 SUBSTITUTED AS LR_s OF DECEASED P17
VIDE ORDER DT 30.06.2023 MADE IN
WMP.18490/2023 IN WP.31042/2014 BY VLNJ)
- 13 SIVARAMAN
(R13 SUBSTITUTED AS LR_s OF DECEASED FIRST PETITIONER
VIDE ORDER DT 25.07.2023 MADE IN
WMP.18981/2023 IN WP.31042/2014 BY GKIJ)
... Respondents in W.P.31042/2014



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- 1 THE ADDL. COMMISSIONER OF LABOUR
AND APPELLATE AUTHORITY UNDER PG ACT OF 1972,
6TH FLOOR D.M.S. COMPOUNDS, ANNASALAI,
TEYNAMPET, CHENNAI – 600 006.
 - 2 THE DEPUTY COMMISSIONER OF LABOUR
CONTROLLING AUTHORITY UNDER PG.ACT 1972
2 FLOOR. D.M.S. COMPOUNDS, ANNASALAI,
TEYNAMPET, CHENNAI – 600 006.
 - 3 THE MANAGING DIRECTOR / ADMINISTRATOR,
KANCHEEPURAM CENTRAL COOP. BANK LTD.,
SHEIKPET NORTH STREET,
KANCHEEPURAM – 631 501.
- ... Respondents in W.P.34486/2024

Prayer in W.P.No.31042 of 2014:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Common Order dated 04.04.2014 made in AGA Case Nos.1/2013 to 61/2013 on the file of the first respondent and quash the same and consequently direct the second respondent to pay the Gratuity amounts to the petitioners as per the orders dated 29.08.2012 made in PG Case Nos.80 to 87/2008, 13/2009, 14/2009, 35/2009, 36/2009, 40/2009, 10/2010, 20 to 22/2010, 29 to 32/2010, 34 to 47/2010, 49 to 54/2010, 57 to 70/2010 and 6/2011 on the file of the third respondent.



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Prayer in W.P.No.34486 of 2024:

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Common Order passed by the first respondent in Appeal in PGA No.39/2021 to 58/2021 and 70/2021, 71/2021 and 101/2021 dated 19.07.2022 and to quash the same and consequently direct the third respondent Bank to pay the better terms of gratuity arising out of the 12(3) settlement dated 19.03.1997 entered into between the third respondent bank and the employees union.

For Petitioners : Mr.T.Sathiyamoorthy
in W.P.No.31042 of 2014

Mr.G.Murugan
for M/s.S.Nedunchezhiyan
in W.P.No.34486 of 2024

For Respondents : Mr.K.Surendran for R1 and R3
Additional Government Pleader
Mr.M.R.Raghavan for R2
in W.P.No.31042 of 2014

Mr.K.Surendran for R1 and R2
Additional Government Pleader
Mr.R.Gopinath for R3
in W.P.No.34486 of 2024

COMMON ORDER

Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

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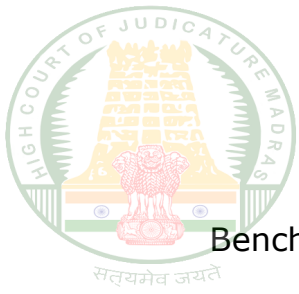


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2.The respective learned counsel appearing for the petitioners submitted that the petitioners are the retired employees of Dharmapuri District Co-Operative Bank Limited/ second respondent in W.P.No.31042 of 2014 and Kancheepuram Central Co-Operative Bank Limited/ third respondent in W.P.No.34486 of 2024 and after their retirement, the respective Bank did not pay gratuity amount to the petitioners in terms of the 12 (3) settlement entered by the respective Bank with the employees. Therefore, the petitioners approached the Controlling Authority under the Payment of Gratuity Act, 1972 and the Controlling Authority under the Payment of Gratuity Act, 1972, allowed their claims against which, the respective Bank filed appeal before the Appellate Authority under the Payment of Gratuity Act and the Appellate Authority held that the Controlling Authority has no jurisdiction to entertain the dispute in terms of the private settlement inbetween the parties under Section 12 (3) of the Industrial Disputes Act and challenging the same, the petitioners have filed these writ petitions.

3.The respective learned counsel appearing for the petitioners further submitted that similar issue was considered by the Hon'ble Full

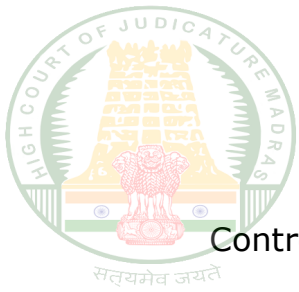


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Bench of the Madurai Benchn of this Court in W.P.(MD) Nos.4844 of 2017 etc., batch [The Management, RK 10, Virudhunagaar District Central Co-operative Bank Limited] dated 30.10.2024 and held that the Controlling Authority under the Payment of Gratuity Act have the jurisdiction to decide the dispute in terms of the private settlement inbetween the parties under Section 12 (3) of the Industrial Disputes Act and hence the impugned orders are liable to be set aside.

4.Heard and perused the materials available on record.

5.The petitioners are the retired employees of Dharmapuri District Co-Operative Bank Limited/ second respondent in W.P.No.31042 of 2014 and Kancheepuram Central Co-Operative Bank Limited/ third respondent in W.P.No.34486 of 2024 and since the respective Bank did not pay gratuity amount to the petitioners in terms of the 12 (3) settlement entered by the respective Bank with the employees, they approached the Controlling Authority under the Payment of Gratuity Act, 1972 and the Controlling Authority under the Payment of Gratuity Act, 1972, allowed their claims against which, the respective Bank filed appeal before the Appellate Authority under the Payment of Gratuity Act and the Appellate Authority held that the



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Controlling Authority has no jurisdiction to entertain the dispute in terms of the private settlement inbetween the parties under Section 12 (3) of the Industrial Disputes Act.

6. Similar issue was considered by the Hon'ble Full Bench of the Madurai Benench of this Court in W.P.(MD) Nos.4844 of 2017 etc., batch [The Management, RK 10, Virudhunagaar District Central Co-operative Bank Limited] dated 30.10.2024, the relevant portion of which reads as follows:

"73. In view of all the reasons, We answer Reference Nos.1 and 2 as follows:

(1) the Controlling Authority under Section 7(4) of the Payment of Gratuity Act, can entertain a claim for better terms of gratuity made by the employee under Section 4(5) of the Act.

2) An employee would be entitled to gratuity for a period more than the total number of years that had been put in by him only in accordance with the terms of the settlement under Section 12(3) of the Industrial Disputes Act, 1947, or as provided under Section 4(5) of the Act under any award or agreement with the employer and not otherwise."



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7.The decision cited supra makes it clear that the Controlling Authority under the Payment of Gratuity Act have the jurisdiction to decide the dispute in terms of the private settlement inbetween the parties under Section 12 (3) of the Industrial Disputes Act and hence the impugned orders are liable to be set aside.

8.Accordingly, the impugned orders dated 04.04.2014 and 19.07.2022 respectively, are set aside. The writ petitions are allowed. The Dharmapuri District Co-Operative Bank Limited/ second respondent in W.P.No.31042 of 2014 is directed to implement the orders dated 29.08.2012 made in PG Case Nos.80 to 87/2008, 13/2009, 14/2009, 35/2009, 36/2009, 40/2009, 10/2010, 20 to 22/2010, 29 to 32/2010, 34 to 47/2010, 49 to 54/2010, 57 to 70/2010 and 6/2011 on the file of the third respondent; the Kancheepuram Central Co-Operative Bank Limited/ third respondent in W.P.No.34486 of 2024 is directed to pay better terms of gratuity arising out of the 12(3) settlement dated 19.03.1997 entered into between the third respondent bank and the employees union and such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.



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9.The writ petitions are allowed on the above terms. No costs.

14.03.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1 THE APPELLATE AUTHORITY-CUM-
JOINT COMMISSIONER OF LABOUR
COIMBATORE – 18.
- 2 THE MANAGEMENT
DHARMAPURI DISTRICT CO-OPERATIVE BANK LTD.
DHARMAPURI 636 701.
- 3 THE CONTROLLING AUTHORITY-CUM-
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- 5 THE DEPUTY COMMISSIONER OF LABOUR
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TEYNAMPET, CHENNAI – 600 006.
- 6 THE MANAGING DIRECTOR / ADMINISTRATOR,
KANCHEEPURAM CENTRAL COOP. BANK LTD.,
SHEIKPET NORTH STREET,
KANCHEEPURAM – 631 501.

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M.DHANDAPANI,J.
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and 34486 of 2024**

14.03.2025