



W.P. No.18207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

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THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.18207 of 2023
and W.M.P. No.17403 and 17405 of 2023

Managing Director,
Dharmapuri District Central,
Co-operative Bank Limited,
Dharmapuri – 636 701. ... Petitioner.

Vs

1. Controlling Authority,
Under the Payment of Gratuity Act,
Office of the Joint Commissioner of Labour, Salem.

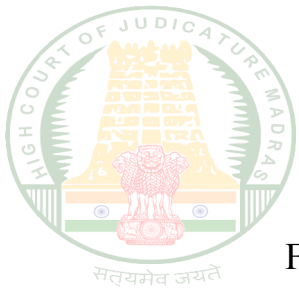
2. Appellate Authority under the Payment of Gratuity Act,
Office of the Additional Commissioner of Labour,
Coimbatore.

3. N. Ananthalakshmi W/o (late) S. Nagarajan... Respondents

PRAYER: The Writ petition is filed under Article 226 of the Constitution of

India praying to issue of Writ of Certiorarified Mandamus calling for the records of the 1st and 2nd respondents relating to the order in No.P.G. No.1 of 2022 dated 18.04.2022 of the 1st respondent and the order in P.G.A. No.68 of 2022 dated 28.02.2023 of the 2nd respondent and to quash both the orders and consequently, to direct the 1st and 2nd respondents to return the amount deposited with accrued interest to the petitioner.

For Petitioner : Mr. P. Anbarasan



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For Respondents

R1 & R2 : Mr. S. John J. Raja Singh,
Additional Government Pleader.
R3 : Mr. S. Sairaman

ORDER

This Writ petition has been filed challenging the order passed by the Appellate Authority under the Payment of Gratuity Act in P.G.A. No.68 of 2022 dated 28.02.2023 confirming the order of the Controlling Authority under the Payment of Gratuity Act vide order in P.G. No.1 of 2022 dated 18.04.2022.

2. One S. Nagarajan joined service under the petitioner's Co-operative Bank as Attender on 15.10.1973 and he was unauthorizedly absent for duty from 10.04.2004 to 18.01.2009. Thereafter, he was dismissed from service vide order dated 19.01.2009. While so, he died on 22.03.2014. Thereafter, the 3rd respondent claiming that she is the wife of the said deceased S. Nagarajan and filed an application for sanction of gratuity before the 1st respondent on 21.02.2019 ie., after 10 years from the date of his dismissal from service. The 1st respondent, who is the Controlling Authority under the Payment of Gratuity Act, dismissed her claim petition through an order dated 09.04.2019. Thereafter, the 3rd respondent preferred an appeal before the 2nd respondent and the same was allowed by remanding back the matter to the 1st



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respondent through an order dated 09.11.2019. Again the 1st respondent dismissed the petition filed with delay of more than 10 years. Again the same was challenged through an appeal. The matter was again remanded back through an order dated 22.10.2021. Thereafter, the 1st respondent entertained the case and passed an order dated 18.04.2022 sanctioning a sum of Rs.2,02,171/- with interest @ 10% to the 3rd respondent. Aggrieved by the said order, the Writ petitioner herein filed an appeal before the 2nd respondent and the same was rejected on 27.02.2023. Challenging the said order, the present Writ petition has been preferred by the petitioner Co-operative Bank.

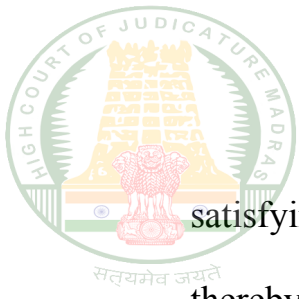
3. The learned counsel appearing for the petitioner would submit that one Mr. S. Nagarajan was working with the petitioner bank and he was dismissed from service through an order dated 19.01.2009 for his unauthorized absence and thereafter, during his employment, he has not stated anything about his legal heirs in the service records. While so, the 3rd respondent filed an application for sanction of gratuity before the 1st respondent on 21.02.2019 after a delay of more than 10 years. Thereafter, the 1st respondent dismissed the claim petition, against which the 3rd respondent preferred an appeal and through the order passed in the said appeal, the matter was remanded back to the 1st respondent. Again the 1st respondent dismissed the petition and the same was challenged through an appeal and the Appellate



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Authority remanded back the case to the 1st respondent. Thereafter, the 1st respondent admitted the claim and sanctioned a sum of Rs.2,02,171/-with interest @ 10% per annum through an order dated 18.04.2022. The 1st respondent failed to consider that the 3rd respondent has not filed any documents to show that she is the wife of the deceased employee. Without any documents and without assigning any reason for such an inordinate delay of more than 10 years, the 1st respondent passed the order. The said order was challenged before the 2nd respondent through an appeal in P.G. I.A. No.68 of 2022. The Appellate Authority / 2nd respondent also without appreciating the facts in a proper perspective manner, erroneously dismissed the appeal. Therefore, the order passed by the Authorities / 1st and 2nd respondents are liable to be quashed.

4. The learned counsel appearing for the 3rd respondent would submit that the 3rd respondent is the wife of the deceased employee and she filed an application before the 1st respondent with delay of 10 years and the same was accepted by the 1st respondent and thereafter, the 1st respondent sanctioned a sum of Rs.2,02,171/- towards gratuity amount of the deceased Nagarajan, who is the husband of the 3rd respondent. The petitioner also not denied the quantum of amount and the only contention raised by the petitioner is in respect of delay. The Authorities have entertained the applications after



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satisfying with the reasons stated by the 3rd respondent for the delay and thereby, the Authorities have passed a reasoned order and the present Writ petition is liable to be dismissed.

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

6. In this case, there is no dispute that the deceased employee namely S. Nagarajan was employed with the petitioner Co-operative Bank and he died on 22.03.2014. Thereafter, the 3rd respondent claiming that she is the wife of the deceased, filed a petition before the Controlling Authority under the Payment of Gratuity Act and thereafter, two times the matter was remanded back to the Controlling Authority and lastly, the Controlling Authority passed an order by computing an amount of Rs.2,02,171/-. There is no dispute in respect of quantum of amount. The only contention raised by the petitioner is that the 3rd respondent has not approached the Authorities within a reasonable time. After a completion of 10 years, she filed this petition.

7. The learned counsel appearing for the petitioner has relied upon a judgment in *V.S. Ekambaram, P.S. Raghupathy S.... vs. The Appellate Authority under the.....*, wherein this Court held in Para-38 as follows:-

"38. It would be seen that so far as the judgments cited for



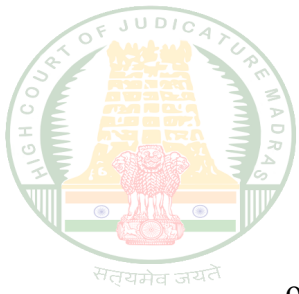
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condonation of delay on the part of the petitioners either they are in the generalized form or confined to the facts and circumstances of the cases dealt with by the said Courts and they are not in the form of being applied generally to cases where the condonation of delay occurs treating the same as precedents for application of similar facts. On the contrary the judgments cited in favour of the cases of the management are not only universal in application for every case that comes before the Court for decision on the point of limitation but also squarely apply to the cases in hand. In application of the norms of these propositions cited on the part of the respondent management the only conclusion that could be arrived at in the cases in hand is that since there is an inordinate delay of 4 to 23 years depending upon the individual case of the petitioners and knowingly since the petitioners were not able to explain the delay so occurred to the satisfaction of the Controlling Authority it had rightly dismissed the delay condonation applications filed on the part of the petitioners followed by confirmation of the said orders passed by the Controlling Authority by the Appellate Authority as well as and since no valid or tangible reasons have been assigned on the part of the petitioners so as to convince this Court as to how legally the authorities below have committed an error apparent on the face of the orders or such other legal infirmities or inconsistencies having crept into the orders of the Controlling and Appellate Authorities, this Court does not find any reason to interfere with such orders passed in a well considered and merited manner and left with no option but to confirm the same they are confirmed accordingly".

8. On a careful perusal of the said judgment, it is clear that the condonation of delay is depending upon the individual cases and if the delay is not satisfactorily explained by the petitioner before the Controlling Authority, then the Authority can dismiss such delay condonation applications. But in the case on hand, the Controlling Authority has condoned the delay and entertained the application and thereafter passed order in main petition. This Writ petition is not challenging the order of condonation of delay. Therefore, the said case law will not be applicable to the present facts of the case.

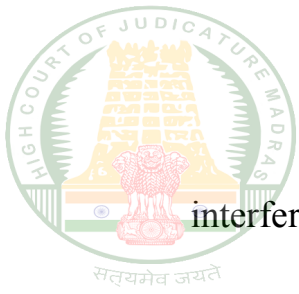


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9. Moreover, the learned counsel appearing for the respondents has also relied upon the judgment of this Court in ***Sri Muthukumaran Institute of Technology vs. J. Rajalakshmi and others reported in 2021(3) CTC 107***, wherein this Court held that “.....the Employer has to determine and pay Gratuity whether or not an application is filed to him. The filing of an application before the Employer is not a condition precedent. Rule 7 makes procedural provisions for such an Application. On receipt of an Application under Rule 7, the Employer has to issue a Notice under Rule 8 either admitting the claim or to specify the reasons why he holds the claim inadmissible. It is thereafter that time is prescribed in Rule 10 for an Application to the Controlling Authority. The making of an Application under Rule 7 therefore invokes a chain of events in Rules 8 and 10. Once the making of an Application to the Employer is not mandatory under the provisions of Section 7(2) of the substantive provisions of the act, the limitation under the Rules which is triggered upon the filing of the Application under Rule 7, can obviously not defeat the claim of the Employee”.

10. Therefore, in view of the above said judgment, the claim of the 3rd respondent cannot be thrown out merely because of the delay. The Authorities have passed a reasoned order and the same does not warrant any



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interference.

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

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

22.08.2025

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

P.DHANABAL, J.,

mjs

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