



WEB COPY

WMP No. 17800 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 26.03.2025**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WMP No. 17800 of 2024  
AND WP NO. 25801 OF 2016**

1. The Managing Director,  
Tamil Nadu Cooperative Milk  
Producers Federation, Ltd.,  
Madhavaram Milk Colony,  
Madhavaram, Chennai-51.

2. The General Manager,  
Kancheepuram – Thiruvallur District  
Milk Producers Cooperative Union,  
No.23, Guruvappa Street,  
Ayanpuram, Chennai-23.

Petitioner(s)

Vs

1. The Joint Commissioner of Labour,  
(Appellate Authority under the Payment  
of Gratuity Act, 1972)  
Teynampet, Chennai-6.

2. P.Ramasamy

Respondent(s)



**WMP No. 17800 of 2024**

**WEB PRAYER**

This petition has been filed under Article 226 of Constitution of India, please to condone the delay of 1518 days in filing the petition to set aside the dismissal order.

For Petitioner(s): Mrs.Akila Rajendran  
For Respondent(s): Mr. K. SURENDREN,  
AGP FOR R1

**ORDER**

It is the case of the petitioners that on the date of retirement of the second respondent on 31.05.2011, the Commissioner for Milk Production and Dairy Development by his letter dated 31.05.2011 informed that there is an audit objection for the loss caused to the federation to the tune of Rs.23,14,271.28/- Hence, the Deputy Registrar conducted enquiry under Section 81 of The Tamil Nadu Co-operative Societies Act to fix the accountability of the persons involved for the loss caused to the Federation. Further, the petitioner has initiated enquiry against the second respondent in connection with awarding of contract to the Transport Milk Collection routes and other items for the year 2009-2010 in which the Federation sustained a loss to a tune of Rs.7,51,788/- For the alleged allegation, the petitioners conducted enquiry and filed report, for which, the petitioner withheld her benefits. Challenging the same, the second respondent raised a dispute before the Labour Court. The Labour Court had passed impugned order dated 23.05.2012 for releasing the terminal benefit



including gratuity amount to the second respondent, Challenging the same, the petitioner has filed the present writ petition before this Court.

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2. The learned counsel appearing for the petitioner submitted that for non appearance on 02.12.2019 and 09.12.2019, this Court dismissed the writ petition for non-prosecution. Hence, the restoration petition has been filed with a delay of 1518 days. This Court may allow the same and restore the writ petition.

3. This Court perused the impugned order. On perusal of the same, it is seen that the petitioners have withhold the gratuity over a period of two years and 4 months is purely illegal for the reasons that the petitioners are not empowered to withhold the gratuity in the absence of any rules and regulations. Further, the petitioner has filed the restoration petition with a delay of 1518 days, which is not sustainable. Hence, this Court is not find any reason to interfere with the the impugned order passed by the Labour Court and the same is perfect and there is no merit in the writ petition.

4. Accordingly, the WMP is dismissed. No costs.

**07-04-2025**

rli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

WMP No. 17800 of 2024



**M.DHANDAPANI J.**

**rli**

1. The Management,  
Tamil Nadu State Transport Corporation (salem ) Limited  
Bhaathipuram Salem Main Road, Dharmapuri-5

2.The Special Joint Commissioner of  
Labour Chennai

**WMP No. 17800 of 2024**  
**WP NO. 25801 of 2016**

26.03.2025