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W.P.No.18654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.18654 of 2024
and WMP.Nos.20461 & 20463 of 2024

Annamalai University
Rep by its Registrar
Annamalai Nagar
Chidambaram – 608 002
Cuddalore.

... Petitioner

Vs.

1.The Additional Commissioner of Labour
Chennai.

2.The Deputy Commissioner of Labour
Joint Commissioner of Labour – II Office
Chennai.

3.D.Maruthayan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the order of the first respondent made in P.G.A.No.29 of 2023 etc., batch dated 22.09.2023 and quash the same as illegal.



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W.P.No.18654 of 2021

For Petitioner : Mr.Nambi Aroorar

For Respondent Mr.M.Murali
Government Advocate for R1 & R2

Ms.R.Chitra Devi for R3

ORDER

The above writ petition is filed to quash the records of the first respondent made in P.G.A.No.29 of 2023 etc.,dated 22.09.2023.

2. The short facts of the case is that the third respondent herein, who had joined the petitioner-University had been paid with only 50% of the gratuity amount on his superannuation, and that the remaining 50% of the gratuity amount was with the petitioner. The petitioner would admit to the same and would submit that 50% of the gratuity amount would be disbursed to the retired staff only after the audit objections are complied with. Aggrieved by the same, the third respondent had filed P.G.No.56 of 2021 before the second respondent, the Controlling Authority - Deputy Commissioner of Labour-II for release of remaining 50% of the gratuity amount and the same was allowed by order dated 08.03.2021. This order was challenged by the petitioner University in W.P.No.20393 of 2021. This



Court had granted an order of interim stay in W.P.No.20393 of 2021 on 04.10.2021, on condition to pay the balance 50% within eight weeks, and the said order was complied with. However, W.P.No.20393 of 2021 came to be dismissed on 19.04.2022. Thereafter, the petitioner-University had preferred an appeal in P.G.A.No.3 of 2023 etc., batch before the first respondent herein, and the same came to be dismissed by an order dated 22.09.2023, confirming the order of the second respondent dated 08.03.2021 in P.G.No.56 of 2021. Challenging the same, the petitioner-University is before this Court.

3. The learned counsel appearing for the petitioner would submit that the petitioner-University had earlier approached this Court in W.P.No.15880 of 2024 for a similar relief, seeking to quash P.G.A.No.22 of 2023 etc., batch dated 22.09.2023, and the said writ petition was disposed of by an order dated 20.06.2024, and the same would be applicable to the facts of the present case also.

4. On 20.06.2024, this Court had passed a detailed order in W.P.No.15880 of 2024, and it is relevant to extract the following :



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7. *As seen from the records the audit objections were initially raised in the year 2012 in respect of four stages of promotions. Similar objections were also raised in the year 2015-2016. It is noted that though the audit objections were raised in the year 2012 the University could not resolve the issue even after a lapse of 12 years. It is also on record that since 2013 the pensioners were given only 50% of gratuity amounts. Payment of gratuity is a welfare measure to the retired employees and non payment will affect the livelihood of the retired employees. Therefore, this Court is of the opinion that the controlling authority and the appellate authority have consciously passed the orders directing the petitioner to pay balance 50% amount within eight weeks, and there are no merits in this writ petition.*
8. *In view of the above and considering the submissions made by the petitioner University and on perusal of the records, this writ petition is disposed of at the admission stage itself imposing a stay on the impugned orders in P.G.A.No.22 of 2023 dated 22.09.2023 for a period of 12 weeks only from the date of receipt of copy of this order within which time the University is directed to clear all the audit objections raised by the local fund audit department and pay the remaining gratuity as per the outcome of the audit objections of the local fund audit department.*
9. *In case within 12 weeks if the petitioner University fails to*



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resolve the issue with regard to the four stages of promotions raised by the local fund audit department then these orders of stay automatically gets vacated and the University shall abide by the orders of the controlling authority and the appellate authority and pay the balance gratuity amount to the second respondent excluding the 50% of amount already paid.”

5.Since the order of this Court cited supra would squarely apply to the case on hand, the present writ petition is disposed of in lines with the order passed in W.P.No.15880 of 2024 dated 20.06.2024. No costs. Consequently, connected miscellaneous petitions are closed.

07.08.2025

Index : Yes / No

Neutral Citation : Yes / No
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To:

1.The Additional Commissioner of Labour
Chennai.

2.The Deputy Commissioner of Labour
Joint Commissioner of Labour – II Office
Chennai.



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P.T. ASHA, J.

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