



WEB COPY



W.P.No.2336 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2336 of 2025

and

WMP.No.2659 of 2025

The Management of Kallakuruchi
Cooperative Sugar Mills
Unit-I, represented by its Administrator/
District Revenue Officer Mr.Kannan
Moongilthuraipattu 605702
Sankarapuram Taluk
Kallakurichi District.

... Petitioner

Vs.

1.M.Velu

2. The Deputy Commissioner of Labour
(Incharge)
(Controlling Authority under the Payment
of Gratuity Act, 1972)
Office of the Deputy Commissioner of Labour
Vellore 10.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, by calling for the records relating to the proceedings of the second respondent in PGIA.No.101/2023 dated 21.08.2024 quash the same.

For Petitioner : Mr.J.Kamaraj

For Respondents : Mr.K.Surendran for R2
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the order of the second respondent dated 21.08.2024. The second respondent is the Authority under the Payment of Gratuity Act and by the said order he has condoned the delay of 4012 days, aggrieved by which the management has filed this Writ Petition.

2. I am unable to countenance the various submissions made by the learned counsel for the petitioner on the ground that the delay is not



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properly explained etc., because the *Delhi High Court in the judgement of M.C.D. Vs. Nand Kishore 2003 (97) FLR 158¹* has held that there is virtually no limitation at all prescribed under the Act for claim of gratuity and the same has been followed by learned Judge of this Court in *WP.No.3222 of 2019 in Sri Muthukumaran Institute of Technology Vs. J.Rajalakshmi*.

3. In view thereof, the very exercise itself being procedural in nature, I am not able to countenance the submissions made by the learned counsel for the management. Otherwise the contentions with reference to the merits of the matter are kept open for the Management to contest the matter further before the Authority.

4. With the above observation, this Writ Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

29.01.2025

Neutral Citation : No
dna

1 *2003 (97) FLR 158*

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To

The Deputy Commissioner of Labour
(Incharge)
(Controlling Authority under the Payment
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D.BHARATHA CHAKRAVARTHY, J.

dna

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