



WEB COPY

W.A.No.1914 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No. 1914 of 2025

C. Palani

... Appellant

Vs.

1. The Director,
Murugappa Group, Dare House,
N.S.C.Bose Road, Chennai 1.

2. The General Manager,
Ambadi Enterprises Limited,
Parry House, 5th Floor,
43 Moore Street, Chennai 1.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in WP No.3207 of 2020 dated 30.09.2024.

For Appellants : Ms.P.Uma



WEB COPY

W.A.No.1914 of 2



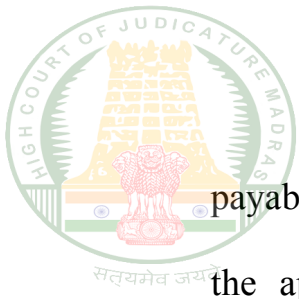
For Respondents : Mr.P.Raghunathan
For M/s.T.S.Gopalan & Co

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The order of the learned Single Judge disposing of the Writ Petition which is one for a Mandamus, quashing the orders of the Labour Court rejecting the Computation Petition filed by the appellant seeking payment of the alleged short fall in the Gratuity and the Provident Fund is under challenge. The claim of the appellant was that he was serving the respondents from 1975 till 2015. Since the respondents are sister concerns he would be entitled to the benefits of the entire service.

2. The respondent resisted the claim of the appellant contending that the service was not continuous, the appellant left the services of the third respondent in WP No.26383 of 2017 and joined the fourth respondent in 1984, whatever amount that was lying to the credit of the Provident Fund Account with the third respondent stood transfer to the Provident Fund Account with the fourth respondent and whatever Provident Fund that was



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payable to the appellant on the date of his retirement has been paid. Since the appellant made a complaint to the Provident Fund Authority, the Provident Fund Authority had verified the records and had concluded that the payment has been made properly.

3. As regards the claim petition, the Labour Court dismissed the Computation Petition on the ground that the same is not maintainable as the claim relates to Provident Fund and Gratuity. The other two claims relating to claim for lump sum payment of Rs.10,00,000/- and Earned Leave was also rejected based on the provisions of the Tamil Nadu Shops and Establishment Act, 1947.

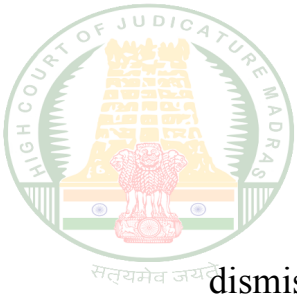
4. The Writ Court while considering the claim for Provident Fund held that if the appellant is able to produce Form 13 for major part of his service, the same could be considered. However, the learned Single Judge taking a lenient view gave liberty to the appellant to submit whatever documents he has with him and directed the respondents 3 to 5 to consider the same sympathetically and pass suitable orders. Aggrieved, the appellant has come up with this Appeal.



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5. It is the contention of the learned counsel for the appellant that the Labour Court was not right in dismissing the Computation Petition and the learned Single Judge was not right in issuing the directions as contained in the order. We are unable to countenance the submissions of the learned counsel for the appellant. As far as the payment of Gratuity is concerned, the same is governed by the provisions of Payment of Gratuity Act and the appellant should have gone before the Authority under the Gratuity Act.

6. As far as the Provident Fund is concerned now leave has been granted to the appellant to submit papers and the directions has been issued to respondents 3 to 5 to reconsider the same. Even in the counter filed by the respondents before the Labour Court, the respondents have stated that they are willing to pay Gratuity for the period between 1975 and 1984 on the basic pay. If the appellant is not satisfied that the calculation of the Gratuity made by the respondents, it is open to him to approach the Payment of Gratuity Authority. As regards the other benefits, the learned counsel appearing for the respondents would submit that they have been paid in full.



7. Hence we see no reason to entertain the appeal, the Appeal stands dismissed. There shall be no order as to costs.

WEB COPY

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
26.06.2025

jv

Internet : Yes
Index : No
Neutral Citation : No
Speaking order

To

1. The Director,
Murugappa Group, Dare House,
N.S.C.Bose Road, Chennai 1.



WEB COPY

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