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W.P.No.39970 of 2024

IN THE HIGH COURT AT JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.39970 of 2024

and

WMP.Nos.43276 of 2024 and 31591 of 2025

The Management,
L.N. Float Glass Private Limited,
No.6, Moorthy Line First Street
Devaraj Mudali Street
Chennai 600 003
New address:-
Plot No.SF No.58/1, GNT Road
Near PA Footwear
Chennai 600 067.

...Petitioner

Vs.

1.Deputy Commissioner of Labour
Office of Joint Commissioner of Labour-I
Chennai 600 006

2.A.S.Mohan Rao
Son of late Sanniyasi Naidu
No.9, E-Block, Pensioners Lane
New Farhans Road
Pattalam, Chennai 600 012.

...Respondents



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Writ petition is filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the records pursuant to the Award dated 06.09.2024 passed in P.G.No. 05 of 2023 on the file of the 1st Respondent and Quash the same.

For Petitioner(s) :Mr.A.Saravanan

For Respondents(s) :Mrs.M.Jayanthi,
Additional Government Pleader
for R1

Mr.Balan Haridass

for R2, dt.10/2/25

ORDER

Writ petition is filed challenging the order passed by the 1st respondent in P.G.No.5 of 2023, dated 06.09.2024.

2. The 2nd respondent on 07.11.2022, filed a claim petition in P.G.No.5 of 2023, seeking payment of gratuity under the Payment of Gratuity Act, 1972, before the 1st respondent. The petitioner filed a counter denying the claim of the 2nd respondent. Thereafter, the 1st respondent vide the impugned Award dated 06.09.2024, allowed the petition by directing the petitioner to pay sum of Rs.3,73,846/- to the 2nd respondent for the services rendered by



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him from 31.12.1994 to 18.11.2021, together with interest at the rate of 10% within 30 days from the date of the award. Aggrieved by the impugned order passed by the 1st respondent, the petitioner filed the above writ petition for the aforesaid relief.

3. When the matter was taken up for hearing after notice to the 2nd respondent, the learned counsel for the 2nd respondent raised a preliminary objection as to the maintainability of the writ petition. The 2nd respondent's counsel submitted that the petitioner had an alternate remedy of statutory appeal under Section 7(7) of the Payment of Gratuity Act, 1972. In view of the preliminary objection, the learned counsel for the petitioner prayed that that liberty may be granted to the petitioner to approach the Appellate Authority under the Act, by condoning the period spent in prosecuting the writ petition.

4. I heard both the learned counsels and perused the materials placed on record.



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5. As rightly contended by the learned counsel for the 2nd respondent, the petitioner has an alternate remedy of statutory appeal before the Appellate Authority under Section 7(7) of the Payment of Gratuity Act, 1972. The petitioner filed the writ petition on 18.12.2024, within the limitation period for filing an appeal. After notice, the 2nd respondent appeared through counsel and raised the issue of alternate remedy. The Hon'ble Supreme Court in the case of ***M.P.Steel Corporation. v. Commissioner of Central Excise***, reported in ***(2015) 7 SCC 58***, held as follows:

“43.....when a certain period is excluded by applying the principles contained in Section 14, there is no delay to be attributed to the appellant and the limitation period provided by the statute concerned continues to be the stated period and not more than the stated period. We conclude, therefore, that the principle of Section 14 which is a principle based on advancing the cause of justice would certainly apply to exclude time taken in prosecuting proceedings which are bona fide and with due diligence pursued, which ultimately end without a decision on the merits of the case.”

From the aforesaid judgment, it is clear that Section 14 of the Limitation Act can be invoked, to exclude time taken in prosecuting the proceedings *bona fides* and with due diligence. It is seen that in the writ petition, the petitioner



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has raised jurisdictional issue and approached this Court on 18.12.2024, within the statutory limitation period of 120 days (including the condonable period). This Court therefore finds that the time taken in prosecuting the writ petition can be condoned and the petitioner can be permitted to approach the Appellate Authority.

The writ petition is therefore disposed of with the following directions:

- i) The petitioner shall pay the entire amount determined by the 2nd respondent in the impugned order, along with accrued interest at the time of filing the appeal.
- ii) The petitioner shall file statutory appeal within a period of two weeks from the date of receipt of web copy of this order.
- iii) In case, the petitioner fails to file the appeal within two weeks, the 2nd respondent shall be at liberty to raise the issue of limitation before the Appellate Authority, and the Appellate Authority shall consider the same.
- iv) The petitioner is granted permission to approach the Registry for return of the original order, so as to enable it to file the appeal within the



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time stipulated by this Court.

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v) The petitioner is also granted permission to withdraw the 50% amount deposited by him before this Court, along with accrued interest, if any, by producing the copy of this order.

No costs. Consequently, the connected miscellaneous petitions are closed.

25.11.2025

Index:Yes/No

Speaking order:Yes/No

Neutral Citation:Yes/No

dsn/AP



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N.MALA,J.

dsn/AP

To

Deputy Commissioner of Labour
Office of Joint Commissioner of Labour-I
Chennai 600 006

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25.11.2025

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