



W.P.(MD)No.1180 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.1180 of 2024 &
W.M.P.(MD)No.1191 of 2024

Karur Agricultural Producers Co-operative
Marketing Society Ltd.,
Rep. by its,
The Administrator,
No.930, Jawahar Bazaar,
Karur

...Petitioner

VS.

- 1.The Controlling Authority under the
Payment of Gratuity Act, 1972 /
Deputy Commissioner of Labour,
Dindigul.
- 2.The Assistant Commissioner of Labour,
Dindigul.
- 3.The District Collector,
Karur District,
Karur.
- 4.The Thasildar,
Karur Taluk,
Karur District.
- 5.M.Natesan



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6.V.Pitchaimuthu

7.M.Devadass

8.S.Gandhi

9.V.Rajalingam

10.S.Jeyaraj

11.G.Rajaraman

12.R.Pasupathi

13.K.N.Arumugam

14.G.Diravidamani

15.M.Krishnaveni

16.S.Gowri

17.S.Vasanthi

...Respondent

(R5 to R17 are impleaded)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records pertaining to the impugned order in Na.Ka.No.Aa6/3820/2018 dated 30.11.2023 passed by the first respondent and quash the same as illegal.

For Petitioner : Mr.P.R.Prithviraj



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For Respondents : Mr.P.Thambidurai,
Government Advocate for R2 to R4

Mr.M.Saravanan for R5 to R17

ORDER

This writ petition was filed challenging the impugned order of the first respondent in Na.Ka.No.Aa6/3820/2018 dated 30.11.2023.

2. The learned counsel appearing for the petitioner would submit that without providing an opportunity of hearing to the petitioner Society, the impugned order came to be passed. He would submit that the respondents 5 to 17 are the employees of the petitioner Society and they are not at all entitled for gratuity. However, in the impugned it is quantified as they are entitled to gratuity. The impugned is passed without assigning any proper reasons and with clear non-application of mind. Had the petitioner Society been given an opportunity of personal hearing, the first respondent would have decided the matter in a different way. Therefore, he requested this Court to pass appropriate orders in this matter.



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3. On the other hand, the learned counsel appearing for the respondents 5 to 17 filed a counter denying the contentions of the petitioner Society. Even though such a counter is filed, the counsel would fairly submit that an opportunity of personal hearing was not given to the petitioner Society, therefore, appropriate orders may be passed to remand the matter to the first respondent, in which case, an opportunity of personal hearing shall be provided to both the parties.

4. A perusal of the records shows that admittedly, an opportunity of personal hearing was not provided to the petitioner Society, which is clearly violation of principles of natural justice. No order can be passed in violation of principles of natural justice. In view of the same, the order passed by the first respondent is liable to be set aside.

5. In view of the above, the order passed by the first respondent dated 30.11.2023 is set aside and the matter is remanded to the first respondent for re-consideration. The first respondent is directed to issue show cause notice to the petitioner Society and thereafter, provide an opportunity to file their counter along with documents and then, after



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hearing both the parties decide the matter in accordance with law. Since the gratuity issue is 10 years old, this Court directs the first respondent to pass final orders in this matter within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.01.2025

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

- 1.The Controlling Authority under the
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KRISHNAN RAMASAMY, J.

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