

WP(MD)Nos.4452 of 2013, 18614 and 13721 to 13725 of 2019,
9802 and 17705 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.4452 of 2013, 18614 and 13721 to 13725 of 2019,
9802 and 17705 of 2021

and

WMP(MD)Nos.14986, 10270, 10272, 10274, 10276 and 10268 of 2019,
7537 and 14601 of 2021

W.P.(MD)No.4452 of 2013

The Management,
Virudhunagar District Central
Co-operative Bank Ltd.,
Rep. by its Special Officer,
Virudhunagar.

... Petitioner

versus

1. The Assistant Commissioner of Labour,
Sundaram Theatre Road,
K.K.Nagar, Madurai – 20.
2. N.Nagaiyasamy
3. K.Veeraiyan
4. K.Manoharan
5. P.K.Ramasamy
6. V.Jeyaraman



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7. R.Rajagopal
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8. R.Venkatasamy

9. K.Sundaranantham

10. P.Velappan

11. N.Natarajan

12. K.Kasirajan

13. S.Gurusamy

14. E.Gopalasamy

15. R.Jevarathinam

16. S.Andiyannan

17. G.Ramarathinam,
Legal heir of V.Gnanasekaran

18. R.Maaranadu

19. V.Ganesan

20. S.Marimuthu

21. S.Sundaram

22. A.Ravindran

23. R.Narayanan

24. R.Sundry,
Legal heir of A.Ramasamy

25. S.Govindaraj

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27. V.Somasundaram

28. P.R.Chinnappan

29. K.Jegannathan

30. N.Chandrasekaran

31. M.Murugan

32. S.Kandasamy

33. S.Sivagurunathan

34. K.Perumal

35. M.Kirubakaran

36. K.Angappan

37. V.Backiyalakshmi

38. S.Shanmugaiah

39. S.Natarajan

40. P.Rajendran

41. K.S.Mohamed Ali Jinna

42. B.Ramanathan

43. T.G.Veluchamy

44. R.Lakshmanaperumal



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45. R.Madasamy

46. G.Chennakesavan

47. V.Chokkalingam

48. V.Veluchamy

49. M.Jeyaraman

50. K.Santhanam

51. R.Ayanam

52. G.Sivaprakasam

53. S.Vanangamudi

54. D.Balakrishnan

55. M.Muthaiah

56. P.Govindarajan

57. N.S.Krishnan

58. K.Kanagaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the common order passed by the first respondent in P.G.Nos.53/2010 to 107/2010, 39/2009 and 10/2011 dated 02.07.2012 and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 : Mr.C.Venkatesh Kumar,



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For R2 to R58

Special Government Pleader
: Mr.V.O.S.Kalaiselvam

W.P.(MD)No.18614 of 2019

The Management,
Madurai District Central Cooperative
Bank Ltd.,
Rep. by the Managing Director/
Joint Registrar,
187, North Veli Street,
Madurai – 625 001.

... Petitioner

versus

1. The Controlling Authority under
Payment of Gratuity Act/
Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Madurai – 600 002.

2. S.Muthukamu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records relating
to the impugned order passed by the first respondent in P.C.No.107 of 2017
dated 17.06.2019 and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 : Mr.S.Vinodh,
Government Advocate

For R2 : No appearance

W.P.(MD)No.13721 of 2019

The Management,
Madurai District Central Cooperative Bank Ltd.,



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9802 and 17705 of 2021

Rep. by the Managing Director/Joint Registrar,
187, North Veli Street,
Madurai – 625 001.

... Petitioner

versus

1. The Controlling Authority under
Payment of Gratuity Act/
Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Madurai – 600 002.

2. N.Subramanian

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records relating
to the common order passed by the first respondent in P.C.No.184 of 2015
dated 27.12.2018 and quash the same.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi
For R1	: Mr.C.Venkatesh Kumar Special Government Pleader
For R2	: Mr.V.O.S.Kalaiselvam

W.P.(MD)No.13722 of 2019

The Management,
Madurai District Central Cooperative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
187, North Veli Street,
Madurai – 625 001.

... Petitioner

versus

1. The Controlling Authority under
Payment of Gratuity Act/
Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Madurai – 600 002.



WP(MD)Nos.4452 of 2013, 18614 and 13721 to 13725 of 2019,
9802 and 17705 of 2021

WEB C2. S.Kalyanasundaram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the common order passed by the first respondent in P.C.No.317 of 2016 dated 27.12.2018 and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R1 : Mr.C.Venkatesh Kumar
Special Government Pleader
For R2 : Mr.V.O.S.Kalaiselvam

W.P.(MD)No.13723 of 2019

The Management,
Madurai District Central Cooperative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
187, North Veli Street,
Madurai – 625 001.

... Petitioner

versus

1. The Controlling Authority under
Payment of Gratuity Act/
Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Madurai – 600 002.

2. S.Subburaj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the common order passed by the first respondent in P.C.No.187 of 2015 dated 27.12.2018 and quash the same.



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For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R1 : Mr.C.Venkatesh Kumar
Special Government Pleader
For R2 : Mr.V.O.S.Kalaiselvam

W.P.(MD)No.13724 of 2019

The Management,
Madurai District Central Cooperative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
187, North Veli Street,
Madurai – 625 001.

... Petitioner

versus

1. The Controlling Authority under
Payment of Gratuity Act/
Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Madurai – 600 002.

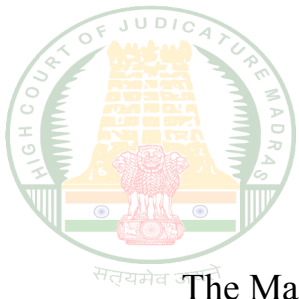
2. S.Kameswaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records relating
to the common order passed by the first respondent in P.C.No.185 of 2015
dated 27.12.2018 and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R1 : Mr.C.Venkatesh Kumar
Special Government Pleader
For R2 : Mr.V.O.S.Kalaiselvam

W.P.(MD)No.13725 of 2019



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9802 and 17705 of 2021

The Management,
Madurai District Central Cooperative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
187, North Veli Street,
Madurai – 625 001.

... Petitioner

versus

1. The Controlling Authority under
Payment of Gratuity Act/
Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Madurai – 600 002.

2. M.Abdul Kabur

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records relating
to the common order passed by the first respondent in P.C.No.186 of 2015
dated 27.12.2018 and quash the same.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi
For R1	: Mr.C.Venkatesh Kumar Special Government Pleader
For R2	: Mr.V.O.S.Kalaiselvam

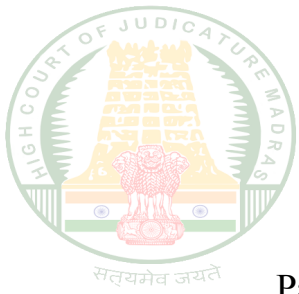
W.P.(MD)No.9802 of 2021

The Management,
Madurai District Central Cooperative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
187, North Veli Street,
Madurai – 625 001.

... Petitioner

versus

1. The Controlling Authority under



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Payment of Gratuity Act 1972,
Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Madurai – 600 002.

2. V.Bala Sundari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records relating
to the impugned order passed in P.G.No.5 of 2016 dated 22.07.2019 by the
Controlling Authority under the Payment of Gratuity Act/Deputy
Commissioner of Labour, Madurai and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 : Mr.C.Venkatesh Kumar
Special Government Pleader

W.P.(MD)No.17705 of 2021

The Management,
Madurai District Central Cooperative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
187, North Veli Street,
Madurai – 625 001.

... Petitioner

versus

1. The Controlling Authority under
Payment of Gratuity Act, 1972,
Deputy Commissioner of Labour,
O/o. Joint Commissioner of Labour,
Madurai – 600 002.

2. S.Shanmuganandham

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed in P.G.I.A.No.107/2020 in P.G.No.309/2019 dated 23.03.2021 by the 1st respondent/Controlling Authority under the Payment of Gratuity Act/Deputy Commissioner of Labour, Madurai and quash the same and consequently, direct the 1st respondent to dismiss the petition filed in P.G.No.309/2019 by the 2nd respondent on the ground of lack of jurisdiction.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R1 : Mr.S.Vinodh,
Government Advocate
For R2 : No appearance

COMMON ORDER

All these writ petitions are filed by the Management of the Central Co-operative Bank as against the orders passed by the Controlling Authority under the Payment of Gratuity Act, 1972. The Controlling Authority has passed an order directing the Management to pay additional gratuity as per the terms of the agreement. Challenging the same, these writ petitions have been filed.

2. Pending these writ petitions, some other writ petitions were referred to the Hon'ble Full Bench of this Court. The Hon'ble Full Bench, by order



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dated 30.10.2024, in W.P.(MD)Nos.4452 of 2013 and 23500 of 2016, etc.

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batch, has answered the reference as under:

“67. A careful cumulative analysis of provisions of law and the interpretations as observed above would indicate that a plain reading of the provisions of the Payment of Gratuity Act, 1972, would indicate that under Section 7(4)(a) of the Act, “if there any dispute as to the amount of gratuity payable to an employee under this Act”, the said admissibility of such claim should be examined only by the Controlling Authority, as defined under Section 3 of the Act. This is the only interpretation possible, since Section 4(5) of the Act recognises the right of the employee to receive 'better terms of gratuity' under any award or agreement or contract with the employer. Therefore, a dispute relating to the amount of gratuity payable would not only include the amount of gratuity payable as provided under Section 7(2) of the Act, but also as provided under Section 4(5) of the Act.”

4. Challenging the same, the Management preferred Special Leave Petitions before the Hon'ble Supreme Court in SLP Nos.12362 to 12366 of 2025. The Hon'ble Supreme Court, on 13.05.2025, entertained the same and granted an interim order directing the parties to maintain *status quo* as on the date of order.



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5. Admittedly, all the private respondents/employees have been paid the gratuity amount. However, they are claiming gratuity based on the agreement that they are entitled for gratuity for more number of years than their actual services as per the terms of the agreement. The issue has already been answered by the Hon'ble Full Bench and it has also been *sub judiced* before the Hon'ble Supreme Court.

6. Since the issue is pending before the Hon'ble Supreme Court, the pendency of these writ petitions before this Court would not serve any purpose. Therefore, all these writ petitions are closed with a direction to the Management to settle the amount if any, as per the orders of the Hon'ble Supreme Court, to the private respondents/employees, within a period of six weeks from the date of receipt of the orders of the Hon'ble Supreme Court. No costs. Consequently, connected miscellaneous petitions are closed.

09.09.2025

NCC : Yes/No
Index : Yes/No
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B.PUGALENDHI,J.

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