



**W.P.(MD) No.2683 of 2025**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.03.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD) No.2683 of 2025**  
**and**  
**W.M.P.(MD) No.1890 of 2025**

M/s.Pioneer Spinners  
rep.through its General Manager  
Kamudakudi-623 707  
Paramakudi Taluk  
Ramanathapuram District

... Petitioner

-VS-

1.The Regional Labour  
Commissioner (Central)  
Kanaga Apartments  
Suit No.III, I Floor  
13-A, Lady Doak College Road  
Chinna Chokkikulam  
Madurai-625 002

2.K.Vishwanathan

... Respondents



**W.P.(MD) No.2683 of 2025**

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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the order of the Regional Labour Commissioner (Central), Madurai, passed in G.A.No.12 of 2016, dated 30.10.2024 and quash the same and direct the first respondent to follow the legal procedure contemplated and the Payment of Gratuity Act and Rules and thereafter pass orders on merits.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.S.Jeyasingh  
Senior Panel Counsel  
for Government of India for R1  
Mr.B.Janarth Kumar for R2

### **ORDER**

This writ petition has been filed by the petitioner – Establishment aggrieved by an order dated 30.10.2024, passed in G.A.No.12 of 2016, by the first respondent, directing them to pay the differential gratuity amount of Rs.7,596/- together with 10% simple interest to the second respondent – workman.



**W.P.(MD) No.2683 of 2025**

WEB COPY

**2.** The main ground, on which the present writ petition has been filed, is that the petitioner – Establishment was not afforded reasonable opportunity to present its case and to bring on record the relevant documents and the matter was abruptly closed and the impugned order came to be passed without affording reasonable opportunity to them.

**3.** In the light of the said submission, this Court called for the records pertaining to the impugned order and on verification of the records, it is noticed that there is no truth in the allegation that the petitioner was not afforded reasonable opportunity. On the other hand, on 05.09.2024, the representative of the petitioner – Establishment, who appeared before the first respondent for hearing, appears to have made a request for passing orders basing on the materials available record.

**4.** In the light of the above, this Court is not inclined to entertain this writ petition against the impugned order considering the fact that the petitioner has got an effective alternative remedy of appeal under Sub-Section 7 of Section 7 of the Payment of Gratuity Act, 1972.



**W.P.(MD) No.2683 of 2025**

WEB COPY

**5.** Accordingly, this writ petition is dismissed granting liberty to the petitioner to avail the remedy of appeal within a period of four weeks from the date of receipt of a copy of this order. In case if any such appeal is filed within the time as stipulated above, the same shall be entertained by the Appellate Authority and be disposed of on merits and in accordance with law, without reference to the period of limitation. No costs. Consequently, connected miscellaneous petition is closed.

**28.03.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To:  
The Regional Labour  
Commissioner (Central),  
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**MUMMINENI SUDHEER KUMAR, J.**

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**28.03.2025**