



WP(MD)Nos.4030 to 4033 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 16.10.2025

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)Nos.4030 to 4033 of 2022

and

WMP(MD)Nos.3459, 3460, 3461 and 3456 of 2022

W.P.(MD)No.4030 of 2022

The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
Madurai Electricity Distribution Circle,
K.Pudur,
Madurai – 625 007.

... Petitioner

versus

1. The Assistant Commissioner of Labour,
(Controlling Authority under Payment
of Gratuity Act, 1972),
Office of Joint Commissioner of Labour,
Madurai – 2.

2. M.Abdul Hameed

... 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 of
the first respondent in P.G.No.44 of 2018 and quash its order dated
04.06.2019.



WEB COPY



WP(MD)Nos.4030 to 4033 of 2022

For Petitioner : Ms.P.Malini
for M/s.T.S.Gopalan & Co.

For R1 : Mr.S.Vinodh,
Government Advocate

For R2 : Mr.G.Karthick,
for M/s.T.Lajapathy Roy & Associates

W.P.(MD)No.4031 of 2022

The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
Madurai Electricity Distribution Circle,
K.Pudur,
Madurai – 625 007.

... Petitioner

versus

1. The Assistant Commissioner of Labour,
(Controlling Authority under Payment
of Gratuity Act, 1972),
Office of Joint Commissioner of Labour,
Madurai – 2.

2. V.Mariamammal

... 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 of
the first respondent in P.G.No.45 of 2018 and quash its order dated
22.07.2019.



WP(MD)Nos.4030 to 4033 of 2022

For Petitioner : Ms.P.Malini
for M/s.T.S.Gopalan & Co.

For R1 : Mr.S.Vinodh,
Government Advocate

For R2 : Mr.G.Karthick,
for M/s.T.Lajapathy Roy & Associates

W.P.(MD)No.4032 of 2022

The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
Madurai Electricity Distribution Circle,
K.Pudur,
Madurai – 625 007.

... Petitioner

versus

1. The Assistant Commissioner of Labour,
(Controlling Authority under Payment
of Gratuity Act, 1972),
Office of Joint Commissioner of Labour,
Madurai – 2.

2. V.Sethuraman

... 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 of
the first respondent in P.G.No.46 of 2018 and quash its order dated
04.06.2019.

For Petitioner : Ms.P.Malini
for M/s.T.S.Gopalan & Co.



WP(MD)Nos.4030 to 4033 of 2022

For R1 : Mr.S.Vinodh,
Government Advocate
For R2 : Mr.G.Karthick,
for M/s.T.Lajapathy Roy & Associates

W.P.(MD)No.4033 of 2022

The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
Madurai Electricity Distribution Circle,
K.Pudur,
Madurai – 625 007.

... Petitioner

versus

1. The Assistant Commissioner of Labour,
(Controlling Authority under Payment
of Gratuity Act, 1972),
Office of Joint Commissioner of Labour,
Madurai – 2.

2. P.R.Suryakumar

... 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 of
the first respondent in P.G.No.119 of 2018 and quash its order dated
15.07.2019.

For Petitioner : Ms.P.Malini
for M/s.T.S.Gopalan & Co.

For R1 : Mr.S.Vinodh,
Government Advocate



WEB COPY



WP(MD)Nos.4030 to 4033 of 2022

For R2

: Mr.G.Karthick,
for M/s.T.Lajapathy Roy & Associates

COMMON ORDER

TANGEDCO has filed all these writ petitions as against the orders passed by the first respondent/the Controlling Authority under the Payment of Gratuity Act, 1972.

2. The second respondent in all these writ petitions, workmen in TANGEDCO, have filed applications before the Controlling Authority under the Payment of Gratuity Act, 1972, seeking difference in the gratuity amount for their casual labour period. The first respondent has allowed all these applications filed by the workmen and directed TANGEDCO to pay the gratuity amount. Challenging the same, the present writ petitions have been filed.

3. The learned counsel appearing for the petitioner TANGEDCO submits that the petitioner TANGEDCO was exempted from the provisions of the Payment of Gratuity Act, 1972, vide G.O.Ms.No.699 dated 16.03.1983. Further, the second respondents are covered under



WP(MD)Nos.4030 to 4033 of 2022

separate Pension Scheme. Therefore, they are not entitled for gratuity under the Payment of Gratuity Act, 1972. However, the first respondent, without considering the same, has passed the above orders.

4. The learned counsel for the petitioner TANGEDCO further submits that while calculating the period of service, the first respondent has taken into account of G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009. According to the learned counsel for the petitioner, G.O.Ms.No.408 Finance (Pension) Department dated 25.08.2009 has been implemented by TANGEDCO only with effect from the month of September 2011. However, the first respondent/Gratuity Authority, by taking into account of G.O.Ms.No.408, has considered the case of the workmen, who retired from service from the year 2000, 2006 and 2010.

5. With regard to the writ petition in W.P.(MD)No.4031 of 2022, the learned counsel appearing for the petitioner TANGEDCO submits that they are not having any objection in this writ petition and they are inclined to implement the same. With regard to W.P.(MD)Nos.4030,



WP(MD)Nos.4030 to 4033 of 2022

4032 and 4033 of 2022, the learned counsel for the petitioner TANGEDCO submits that they have questioned the impugned orders on the ground that the first respondent, without considering the exemption provided to the petitioner TANGEDCO from the provisions of Payment of Gratuity Act, has passed the impugned orders.

6. The learned counsel for the respondent submits that as against the orders passed by the Controlling Authority under the Payment of Gratuity Act, a statutory appeal is available under Section 7(7) of the Payment of Gratuity Act. However, without exhausting the statutory appeal remedy available under the Payment of Gratuity Act, these writ petitions have been filed.

7. This Court considered the rival submissions made.

8. In fact, TANGEDCO has been exempted from Payment of Gratuity Act, 1972 vide G.O.Ms.No.699 dated 16.03.1983, on certain conditions and the same are extracted as under:

“(i) The exemption granted will not be applicable to



WP(MD)Nos.4030 to 4033 of 2022

such of those employees of the Board, who do not come within the Pension Scheme of the Board;

(ii) If any dispute arises with regard to the implementation of the Scheme, the controlling authority and the appellate authority shall have the powers to intervene and determine it as required under the said Act.

(iii) If any change is to be made in the provisions of the scheme, prior permission of the Government of Tamil Nadu shall be obtained.”

9. Even, in this Government Order, it is made clear that if any dispute arises with regard to the implementation of scheme, the Controlling Authority and the Appellate Authority shall have the powers to determine it under the Payment of Gratuity Act. Further, statutory appeal remedy is available under Section 7(7) of the Payment of Gratuity Act.

10. In view of the same, all these writ petitions are disposed of with liberty to the petitioner TANGEDCO to workout their remedy in the statutory appeal available under Section 7(7) of the Payment of Gratuity Act. If such appeals are filed by the petitioner TANGEDCO, the



WP(MD)Nos.4030 to 4033 of 2022

appellate authority shall entertain the same without insisting on limitation. No costs. Consequently, connected miscellaneous petitions are closed.

16.10.2025

ogy

Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

To

1. The Assistant Commissioner of Labour,
(Controlling Authority under Payment
of Gratuity Act, 1972),
Office of Joint Commissioner of Labour,
Madurai – 2.



WEB COPY



WP(MD)Nos.4030 to 4033 of 2022

B.PUGALENDHI, J.

ogy

WP(MD) No.4030 of 2022

16.10.2025