



W.P.(MD)No.5241 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.5241 of 2021
and W.M.P.(MD)No.4196 of 2021

P.Arumugam

... Petitioner

Vs.

1.The Additional Commissioner of Labour/
Appellate Authority and Payment of Gratuity Act,
Sengulam Colony, Mannarpuram,
Trichy – 622 020.

2.The Deputy Commissioner of Labour/
Controlling Authority Under Payment
of Gratuity Act, Sengulam Colony,
Mannarpuram, Trichy - 622 020.

3.The Management,
Pudukkottai District Central
Co-Operative Bank Ltd.,
834-836, Keelaraja Veethi,
Pudukkottai - 622 001.

... Respondents



W.P.(MD)No.5241 of 2021

WEB COPY

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 1st respondent passed in P.G.Appeal No.99/2016 dated 02.04.2018 and quash the same and direct to pay the difference of gratuity of Rs.71,585/- together with statutory interest.

For Petitioner : Mr.V.O.S.Kalaiselvam
For Respondents : Mr.R.Ragavendran,
Govt. Advocate for R1 & R2
Mr.P.R.Prithiviraj for R3

ORDER

This Writ Petition has been filed challenging the order dated 02.04.2018 passed in P.G.A.No. 99/2016 by the respondent No.1. The petitioner herein filed the said appeal aggrieved by an order passed by the respondent No.2 Controlling authority in P.G.No.8 of 2009, whereby the petitioner was awarded an amount of Rs.97,615/-. It was aggrieved by the said order, the petitioner herein filed an appeal before the respondent No.1 claiming a further sum of Rs.71,585/-. The learned appellate authority, through the impugned order dated



W.P.(MD)No.5241 of 2021

02.04.2018 passed in P.G.A.No.99 of 2016, refused to entertain the appeal on the ground that the amount that is being claimed by the petitioner is not in terms of the Payment of Gratuity Act, 1972 but in terms of the private scheme. Thus, the first respondent came to the conclusion that there is no jurisdiction to entertain the appeal for the claim made by the petitioner for the balance amount of Rs.71,585/-. Aggrieved by the said order dated 02.04.2018, the petitioner approached this Court by filing the present Writ Petition.

2. Now the issue as to the jurisdiction of the Controlling Authority as well as the Appellate Authority under the provisions of Payment of Gratuity Act, 1972 has been conclusively decided by the learned Full Bench of this Court in W.P.(MD)No.4452 of 2013 etc., dated 30.10.2024, the impugned order dated 02.04.2018 cannot be sustained. Now it is settled law that the Controlling Authority as well as the Appellate Authority under the Payment of Gratuity Act, 1972 are conferred with jurisdiction to entertain the claims not only under the provisions of Payment of Gratuity Act, 1972, but in terms of the better terms as well. Hence, the impugned order cannot be sustained.



W.P.(MD)No.5241 of 2021

WEB COPY

3. Accordingly, the impugned order is quashed and the matter is remanded back to the respondent No.1 for reconsidering the appeal vide P.G.A.No.99 of 2016 and pass appropriate orders thereon in accordance with law. The first respondent is further directed to dispose of the appeal as expeditiously as possible at any rate within a period of two months from the date of receipt of a copy of this order.

4. Accordingly, this Writ Petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

17.04.2025

Neutral Citation: Yes / No
Index : Yes / No

vsm



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W.P.(MD)No.5241 of 2021

MUMMINENI SUDHEER KUMAR, J.

vsm

W.P.(MD)No.5241 of 2021

17.04.2025

Page 6 of 6