

W.P(MD)Nos.6499 to 6504 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.6499 to 6504 of 2023

WMP(MD) Nos.6142, 6145, 6146, 6155, 6156, 6149, 6151, 6160, 6161,
6148 and 6152 of 2023

W.P.(MD)No.6499 of 2023:-

The Management,
The Thanjavur Central Co-operative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
West Main Street,
Thanjavur.

... Petitioner

Vs

1.The Controlling Authority
under the Payment of Gratuity Act 1972,
Deputy Commissioner of Labour (Gratuity),
O/o.The Joint Commissioner of Labour,
Tiruchirappalli.

2.T.Rajarajan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed in P.G.No.33/2013 dated 01.09.2022 by the 1st respondent and quash the same.

For Petitioner

:Mr.D.Shanmugaraja Sethupathi



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W.P(MD)Nos.6499 to 6504 of 2023

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

For R2 : Mr.V.O.S.Kalaiselvam

W.P.(MD)No.6500 of 2023:-

The Management,
The Thanjavur Central Co-operative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
West Main Street,
Thanjavur.

... Petitioner

Vs

1.The Controlling Authority
under the Payment of Gratuity Act 1972,
Deputy Commissioner of Labour (Gratuity),
O/o.The Joint Commissioner of Labour,
Tiruchirappalli.

2.K.Ramachandran

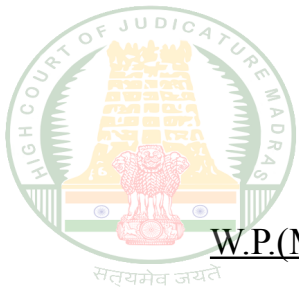
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed in P.G.No.26/2013 dated 01.09.2022 by the 1st respondent 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)Nos.6499 to 6504 of 2023

W.P.(MD)No.6501 of 2023:-

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The Management,
The Thanjavur Central Co-operative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
West Main Street,
Thanjavur.

... Petitioner

Vs

1.The Controlling Authority
under the Payment of Gratuity Act 1972,
Deputy Commissioner of Labour (Gratuity),
O/o.The Joint Commissioner of Labour,
Tiruchirappalli.

2.K.Muthuvel

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed in P.G.No.27/2013 dated 01.09.2022 by the 1st respondent and quash the same.

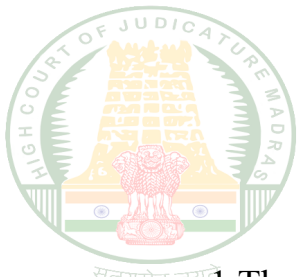
For Petitioner	:Mr.D.Shanmugaraja Sethupathi
For R1	: Mr.C.Venkatesh Kumar, Special Government Pleader
For R2	: Mr.V.O.S.Kalaiselvam

W.P.(MD)No.6502 of 2023:-

The Management,
The Thanjavur Central Co-operative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
West Main Street,
Thanjavur.

... Petitioner

Vs



W.P(MD)Nos.6499 to 6504 of 2023

WEB COPY 1.The Controlling Authority
under the Payment of Gratuity Act 1972,
Deputy Commissioner of Labour (Gratuity),
O/o.The Joint Commissioner of Labour,
Tiruchirappalli.

2.S.Kaliaperumal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed in P.G.No.29/2013 dated 01.09.2022 by the 1st respondent 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.6503 of 2023:-

The Management,
The Thanjavur Central Co-operative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
West Main Street,
Thanjavur.

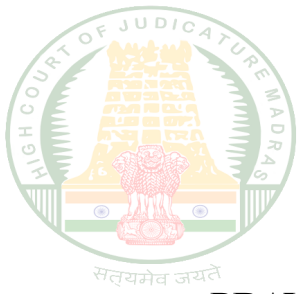
... Petitioner

Vs

1.The Controlling Authority
under the Payment of Gratuity Act 1972,
Deputy Commissioner of Labour (Gratuity),
O/o.The Joint Commissioner of Labour,
Tiruchirappalli.

2.K.Rajagopalan

...Respondents



W.P(MD)Nos.6499 to 6504 of 2023

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed in P.G.No.30/2013 dated 01.09.2022 by the 1st respondent 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.6504 of 2023:-

The Management,
The Thanjavur Central Co-operative Bank Ltd.,
Rep. by the Managing Director/Joint Registrar,
West Main Street,
Thanjavur.

... Petitioner

Vs

1.The Controlling Authority
under the Payment of Gratuity Act 1972,
Deputy Commissioner of Labour (Gratuity),
O/o.The Joint Commissioner of Labour,
Tiruchirappalli.

2.A.Dharmalingam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed in P.G.No.25/2013 dated 01.09.2022 by the 1st respondent and quash the same.



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W.P(MD)Nos.6499 to 6504 of 2023

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

COMMON ORDER

The Thanjavur District Central Co-operative Bank Limited/Management has filed these writ petitions, as against the orders passed by the 1st respondent/the Controlling Authority under the Payment of Gratuity Act 1972, Tiruchirappalli. in P.G.Nos.33, 26, 27, 29, 30 and 25 of 2013 dated 01.09.2022.

2. The case of the petitioner Management is that the 2nd respondent in all the writ petitions have been initially appointed in the Primary Agricultural Co-operative Societies on Adhoc basis in the year 1972, 1967, 1970 and 1969 respectively. Thereafter, as per the Government Order in G.O.Ms.No.331, Co-operation, Food and Consumer Protection Department, dated 05.12.1988, they have been appointed under the petitioner Management on 28.12.1974 and 15.09.1973 respectively, on condition that their appointments have to be treated as fresh appointments. The 2nd respondents have served in the petitioner Co-operative Banks till their age of superannuation, i.e. on



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31.01.2010, 30.04.2007, 31.03.2001, 30.11.2008, 31.07.2008 and 31.05.2009 respectively. They have also been settled with gratuity amount for the period, in which, they have rendered service in the petitioner Bank, in accordance with Group Gratuity Scheme linked with Life Insurance Corporation of India. After several years from the date of their retirement, they have filed applications before the Controlling Authority/the 1st respondent, seeking gratuity for their service period in the Primary Agricultural Co-operative Societies also and the same was ordered by the 1st respondent, in P.G.Nos.33, 26, 27, 29, 30 and 25 of 2013, with a direction to the petitioner Management to pay the gratuity amount along with 10% interest, for their service period in the Primary Agricultural Co-operative Societies. Challenging the order of the Controlling Authority, the petitioner Management has preferred appeals before the Appellate Authority in P.G.A.Nos.81 to 83, 85 to 87 of 2016. The Appellate Authority has passed a detailed order dated 29.11.2017 holding that the controlling authority does not have jurisdiction to adjudicate the issue when the 2nd respondent is claiming gratuity on the basis of settlement under Section 12(3) of the Industrial Disputes Act and the Gratuity Scheme framed with Life Insurance Corporation of India.



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2.1. Challenging the order of the appellate authority, the private respondents have filed W.P.(MD)Nos.5794, 6021, 6042, 6107, 6166 and 6291 of 2018 before this Court. This Court, by order dated 12.12.2018, dismissed the writ petitions confirming the order of the appellate authority. While dismissing the writ petitions, the private respondents were given liberty to move before the Competent Authority for payment of balance gratuity amount. In view of the order passed by this Court in W.P.(MD)Nos.5794, 6021, 6042, 6107, 6166 and 6291 of 2018, dated 12.12.2018, the private respondents have moved a petition before the Controlling Authority to review the order. However, the 1st respondent misconstrued the order of this Court and also ordered to release the amount already deposited to the private respondents, by impugned order dated 01.09.2022. Challenging the same, these writ petitions have been filed by the Management.

3. The learned counsel appearing for the petitioner Management submits that though the 2nd respondent in all the writ petitions have been appointed in the Primary Agricultural Co-operative Societies in the year 1972, 1967, 1970 and 1969 respectively, it was on adhoc basis and they have been absorbed in the petitioner Management,



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as per the Government Order in G.O.Ms.No.331, Co-operation, Food and Consumer Protection Department, dated 05.12.1988, treating their appointments as fresh. Clause No.5 of the above Government order specifically prescribes that while appointing the adhoc employees of Primary Agricultural Credit Societies in the service of Central Co-operative Banks, the seniority will be counted only from the date of joining in the services of Central Co-operative Bank. The services rendered in the Primary Agricultural Credit Societies will not be counted for seniority on any account. According to the learned counsel, as per the Special Bylaw of the petitioner Bank, the adhoc employees of Primary Agricultural Co-operative Banks shall be entitled to receive all the service benefits such as pay, other allowances, gratuity, leave provident fund etc., to the post to which, they are appointed only from the date of their joining duty in the service of the Central Co-operative Bank. However, without considering the above condition in the bylaw of the petitioner Bank and also the Clause No.5 of the Government Order in G.O. G.O.Ms.No.331, Co-operation, Food and Consumer Protection Department, dated 05.12.1988, the Controlling Authority has passed the order, directing the Management to pay gratuity to the individuals for their period of service in Primary Agricultural Co-operative Societies.



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3.1. The learned counsel for the petitioner has brought to the notice of this Court that the Division Bench of this Court, while deciding the similar issue in W.A(MD) Nos.799 to 814, 816 and 818 to 823 of 2020, dated 18.06.2025, has remanded the matter to the Controlling Authority under the Payment of Gratuity Act, to conduct an elaborate adjudication and complete the same as expeditiously as possible.

4. The learned counsel appearing for the 2nd respondent in all the writ petitions submits that they have been engaged on adhoc basis in the Primary Agricultural Co-operative Societies in the year 1972, 1967, 1970 and 1969 respectively. Thereafter, on the request of these employees, the Government has regularised their services, vide G.O.No. 331, Co-operation Food and Consumer Protection Department dated, 05.12.1988, absorbing all these consolidated pay employees in the Central Co-operative Banks. The Controlling Authority has taken into consideration of Section 2A of Payment of Gratuity Act, 1972 and has ordered for gratuity to the 2nd respondents for their period of service rendered in Primary Agricultural Co-operative Societies, under Section 7(3A) of Payment of Gratuity Act, 1972 .



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5. This Court considered the rival submissions made and also perused the materials placed on record.

6. Though the 2nd respondent in all the writ petitions have been appointed in Primary Agricultural Co-operative Societies, in the year 1972, 1967, 1970 and 1969 respectively, they have been regularised only in the year 1973 and 1974, as per the Government Order in G.O.Ms.No.331, Co-operation, Food and Consumer Protection Department, dated 05.12.1988, with a condition that their seniority would be counted only from the date of joining in the services of Central Co-operative Banks. The retired employees, after getting their retirement benefits without any resistance have filed applications before the Controlling Authority under the Payment of Gratuity Act, with a claim that their consolidated pay service rendered in the Primary Agricultural Co-operative Societies has also to be reckoned as qualifying service for calculating the gratuity amount. It is to be noted that they have retired from service on 31.01.2010, 30.04.2007, 31.03.2001, 30.11.2008, 31.07.2008 and 31.05.2009 respectively, however, the applications have been filed by them in the year 2013. It appears that the Controlling



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Authority without considering the specific conditions in G.O.Ms No. 331, Co-operation, Food and Consumer Protection Department dated, 05.12.1988 and also the Special bylaw of the petitioner Bank, have granted the relief to the second respondents. Clause 5 of the above mentioned Government Order is as under:-

"5.While appointing the adhoc employees of Primary Agricultural Credit Societies in the service of Central Co-operative Banks, the seniority will be counted only from the date of joining in the services of Central Co-operative Bank. The services rendered in the Primary Agricultural Credit Societies will not be counted for seniority on any account".

The relevant portion from the Bylaw of the Central Co-Operative Bank is as under:

"9.the adhoc employees of Primary Agricultural Co-operative Banks shall be entitled to receive all the service benefits such as pay, other allowances, gratuity, leave provident fund etc., to the post to which, they are appointed only from the date of their joining duty in the service of the Central Co-operative Bank."



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7. Moreover, the private respondents have filed WP (MD) Nos. 5794, 6021, 6042, 6107, 6166 and 6291 of 2018 before this court challenging the order of the appellate authority. This Court, by order dated 12.12.2018, noted that the claims of the petitioners were being made as per the 12(3) Settlement and hence, the Controlling Authority under the Payment of Gratuity Act was not the competent authority to deal with the same. The relevant portions of the order are extracted hereunder:

“3.The issue is no longer resintegra. The learned counsel for the management has filed number of case laws in his compilation set. One is the case reported in 2012 (I V) LLJ 625 [Venugopal vs. Commissioner of Labour], wherein it was held that the jurisdiction of the controlling authority would be attracted only if there is statutory liability to pay the amount of gratuity. In this case, admittedly, the writ petitioners are not trying to enforce the statutory liability of the employer to pay the amount of gratuity but the better terms conferred on them by way of settlement entered under Section 12(3) of the Act.

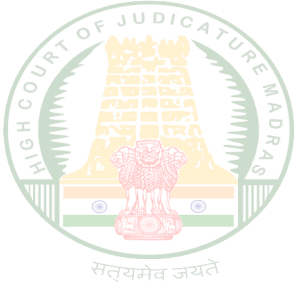


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4. Therefore, the orders impugned in these writ petitions are sustained and the writ petitions stand dismissed. The writ petitioners are given liberty to move before the competent Forum/Authority/Court for payment of the balance gratuity amount, which according to the petitioners is payable to them. If such application is filed, the Authority/Forum/Court concerned shall dispose of the same on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order, after issuing notice to the management. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.”

8. It is clear from the above order that liberty was granted to the private respondents to approach the appropriate authority under the Industrial Disputes Act as the petitioners were claiming the better terms as per the 12(3) Settlement. However, the petitioners have once again approached the Controlling Authority under the Payment of Gratuity Act to review its order and the same has been allowed by the Controlling Authority vide the impugned orders.



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WEB COPY 9. In view of the above, these writ petitions are allowed. The impugned orders passed by the first respondent in P.G. Nos. 33, 26,27,29,30 and 25 of 2013 dated 01.09.2022 are set aside. It is clarified that the petitioners have to approach the competent Authority/Forum/Court under the Industrial Disputes Act for their claims and liberty is provided for the same. No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2025

Index: Yes/No.
Internet: Yes/No.
NCC : Yes / No.
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To

1. The Controlling Authority
under the Payment of Gratuity Act 1972,
Deputy Commissioner of Labour (Gratuity),
O/o. The Joint Commissioner of Labour,
Tiruchirappalli.



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W.P(MD)Nos.6499 to 6504 of 2023

B.PUGALENDHI, J.

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Common Order made in
W.P(MD)Nos.6499 to 6504 of 2023

26.09.2025