



W.P.(MD)No.14603 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.14603 of 2021
and
W.M.P.(MD)No.11532 of 2021

The Management,
R 90, Chatrapatti Weavers Co-Operative
Production and Sales Society,
Chatrapatti, Rajapalayam Via,
Virudhunagar District – 626 102,
Represented by its Managing Director.

... Petitioner

Vs.

1.The Deputy Commissioner of Labour,
The Controlling Authority Under
Payment of Gratuity Act,
Bharathi Ula Salai, K.Pudur, Madurai 625002.

2.G.Murugan

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records culminating in the order dated 05.05.2021 passed by the 1st respondent in P.G.No.361 of 2019, quash the same.

For Petitioner : Mr.T.Ravichandran

For Respondents : Mr.F.Deepak,
Spl. Government Pleader for R1
Mr.M.Ganesan for R2

ORDER

This Writ Petition has been filed challenging the order dated 05.05.2021 passed by the respondent No.1, whereby the petitioner was directed to pay a sum of Rs.1,40,680/- being balance amount of gratuity for which, the respondent No.2 is entitled to in terms of the provisions of Payment of Gratuity Act, 1972, only on the ground that the respondent No.1 is not the proper authority to adjudicate on the claim of respondent No.2 for payment of gratuity and it is for the respondent No.2 to approach the competent authority under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983.



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2. The dispute is only with regard to the forum which can grant the relief for payment of gratuity in terms of the provisions of Payment of Gratuity Act, 1972, but not about the entitlement of respondent No.2 for payment of balance amount of gratuity of Rs.1,40,680/-.

3. In the light of the fact that there is no dispute about the entitlement of the respondent No.2 for the balance gratuity amount of Rs.1,40,680/-, this Court is not inclined to examine about the forum which is entitled to adjudicate on the claim of respondent No.2 under Article 226 of the Constitution of India. In the light of undisputed entitlement of respondent No.2 for the balance amount of gratuity of Rs.1,40,680/-, without deciding the aspect with regard to the jurisdiction of respondent No.2 to entertain the claim of the petitioner, this Court is inclined to invoke its extraordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, the petitioner is directed to pay an amount of Rs.1,40,680/- to the respondent No.2 towards gratuity within a period of two months from the date of receipt of a copy of this order with applicable interest. The issue as to whether the respondent No.1 is competent to adjudicate on the



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claim of the employee of the petitioner society for payment of gratuity is left open.

4. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

24.02.2025

Neutral Citation: Yes / No
Index : Yes / No

vsm



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MUMMINENI SUDHEER KUMAR, J.

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