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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.16429 of 2025

and

W.M.P(MD)Nos.12489 & 12490 of 2025

The Management,
Madurai Kamaraj University,
Palkakai Nagar,
Madurai - 625 021,
Through its Registrar.

...Petitioner

Vs

1.The Appellate Authority under payment of
Gratuity Act, 1972 and the Additional
Commissioner of Labour,
Madurai - 625 016.

2.T.Subbiah

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus** calling for the records related to the order O.Mu.No.E/823/2025, dated 21.04.2025, passed in the name of the 1st respondent but signed '*for and on behalf of the 1st respondent*' and quash the same and consequently, direct the 1st respondent to take appeal dated 16.04.2025 filed by the petitioner -University, against the Award dated 31.07.2023 passed in P.G.No.74 of 2018 by the controlling Authority under payment of Gratuity Act 1972 (Deputy Commissioner of Labour), Madurai - 2, on file and number the Appeal and dispose the same on merits and in accordance with law.



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For Petitioner : Mr.T.Sakthikumaran
For Respondents : Mr.D.Farjana Ghoushia
Special Government Pleader for R1

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ORDER

The present writ petition has been filed by the Management of the Madurai Kamaraj University, Madurai, challenging an order passed by the first respondent herein rejecting an appeal under the Payment of Gratuity Act on the ground that it has been filed beyond a period of limitation.

2.The petitioner Management has suffered an order under the Payment of Gratuity Act at the hands of the original authority on 31.07.2023. They have received a copy of the order on 30.10.2023. However, the appeal came to be filed only on 17.04.2025, which is beyond the period of 120 days. The first respondent herein, who is the appellate authority, has proceeded to return the appeal on the ground that he does not have any powers to condone the delay beyond the period of 120 days. This order is put to challenge in the present writ petition.

3.According to the learned Counsel appearing for the writ petitioner, the Act itself is not applicable to the University, especially the Hostel Mess. According to him, the Hostel Mess is being run by a committee consisting of the employees of the Madurai Kamaraj University. The second respondent in the



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writ petition has not chosen to implead the said committee. That apart, the Hostel Mess cannot be considered to be an establishment under the Payment of Gratuity Act. Since there are merits in the appeal, appeal should have been entertained after condoning the delay.

4.As far as, the present case is concerned, an appeal having been preferred beyond the period of 120 days, the authority does not have any powers to condone the delay. In such circumstances, the question of going into the merits of the contentions raised by the petitioner Management does not arise. In such circumstances, there are no merits in the Writ Petition.

5.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

19.06.2025

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



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R.VIJAYAKUMAR, J.

RJR

To

The Additional Commissioner of Labour,
The Appellate Authority under payment of
Gratuity Act, 1972,
Madurai - 625 016.

W.P.(MD)No.16429 of 2025

19.06.2025