

WP(MD)No.17987 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17987 of 2020
and WMP(MD)No.14990 of 2020

The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Madurai Region,
Madurai.

... Petitioner

versus

1. The Additional Commissioner of Labour,
(The Appellate Authority under
the Payment of Gratuity Act)
Office of the Joint Commissioner of Labour,
Madurai.

2. The Deputy Commissioner of Labour,
(The Controlling Authority under
the Payment of Gratuity Act)
Office of the Joint Commissioner of Labour,
Madurai.

3. K.Sekar

4. The Managing Director,
Tamilnadu Civil Supplies Corporation,
Thambusamy Road,
Kilpauk,
Chennai.

(4th respondent is hereby given up)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 2nd respondent in P.G.No.285 of 2016, dated 29.04.2019 and the order passed by the 1st respondent in Athi.Mu./E/786/2020 dated 27.08.2020 and quash the same.

For Petitioner : Mr.C.Mohankumar
For R1 and R2 : Mr.C.Venkatesh Kumar,
Special Government Pleader
For R3 : Mr.S.Satheeshkumar

ORDER

The Tamil Nadu Civil Supplies Corporation has filed this writ petition challenging the order passed by the 2nd respondent in P.G.No.285 of 2016, dated 29.04.2019 and the order passed by the 1st respondent in Athi.Mu./E/786/2020 dated 27.08.2020.

2. The learned counsel appearing for the petitioner submits that the 3rd respondent was engaged as a load man in the petitioner Corporation from the year 1999. On 01.06.2013, he was allowed to go on voluntary retirement and he was also paid with eligible gratuity. However, the 3rd respondent filed an application in P.G.No.285 of 2016 before the original authority, namely, the 2nd respondent, claiming that he served in the petitioner Corporation from 1983. The 2nd respondent, based on the oral claim made by the 3rd respondent and without any documents in support of the same,



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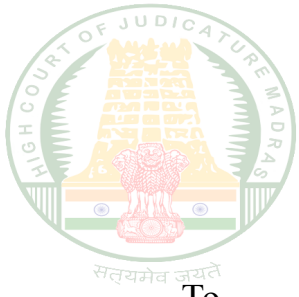
allowed the application for enhancement of gratuity, by order dated 29.04.2019. Challenging the same, the petitioner Corporation has filed an appeal before the 1st respondent/appellate authority with a delay of 361 days. However, the appellate authority has rejected the same on the ground of delay.

3. Admittedly, the appeal was preferred by the petitioner Corporation with a delay of 361 days. Though the Tamil Nadu Civil Supplies Corporation is having a good case as against the order of the original authority/second respondent, the petitioner has not prosecuted the issue for the period of one year and also not assigned any valid reasons for the delay of 361 days. Therefore, the 1st respondent/appellate authority has rejected the appeal on the ground of limitation. Hence, there is no reason to interfere with the order of the first respondent.

4. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.09.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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B.PUGALENDHI,J.

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