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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.22084 of 2022

D.Neelavathi ... Petitioner

Vs.

1.The Appellate Authority
under the Payment of Gratuity Act,
(The Joint Commissioner of Labour),
Mannarpuram-622 020, Trichirapalli.

2.The Controlling Authority
under the Payment of Gratuity Act,
(Deputy Commissioner of Labour),
Mannarpuram-622 020, Trichirapalli.

3.The Management,
Thanjavur Central Cooperative Bank,
West Main Street, Thanjavur-613 009. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the entire records pertaining to the order of the first respondent dated 07.04.2021 in P.G.Appeal No.10/2021 and quash the same.

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

For RR1 & R2 : Mr.S.Shanmugavel
Additional Government Pleader

For R3 : Mr.D.Shanmugasethupathi

ORDER

The petitioner in this writ petition made a claim before Respondent No.2-Controlling Authority under the Payment of Gratuity Act, 1972. The said claim was rejected by Respondent No.2 and aggrieved by the same, the petitioner filed appeal before the Appellate Authority under the Payment of Gratuity Act, that is, before the Joint Commissioner of Labour, Mannarpuram, Trichirapalli and the said appeal was dismissed by common order dated 07.04.2021 along with other appeals confirming the order of the Controlling Authority. It is aggrieved by the said order passed by the Appellate Authority, the petitioner approached this Court contending that Respondent No.2-Controlling Authority can entertain a claim for payment of gratuity in “better terms of gratuity”.

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2. The issue pertaining to the jurisdiction of the Controlling Authority to entertain the claim in terms of "better terms of the gratuity" is now decided by a learned Full Bench of this Court in W.P.(MD) No.4452 of 2013 etc., dated 30.10.2024 holding that the Controlling Authority under the Payment of Gratuity Act can entertain a claim made in terms of "better terms of gratuity" as agreed between the employer and employee or a scheme governing the same.

3. In the light of the above, the order impugned in the present writ petition passed in gratuity appeal is liable to be set aside. Accordingly, the order dated 07.04.2021 is set aside, insofar as the petitioner herein is concerned and the matter is remanded back for consideration of the appeal on merits by the Appellate Authority. Taking into consideration the time consumed during the pendency of this writ petition, the Appellate Authority is directed to dispose of the appeal as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order.

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4. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

17.03.2025

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

ABR

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MUMMINENI SUDHEER KUMAR, J.

ABR

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