



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.16320 of 2018
and
W.M.P(MD)No.14505 of 2018

The Management,
ZB. 5, Konneri Rajapuram primary Agriculture
Co-operative Credit Society Limited,
Kuthalam Taluk,
Nagapattinam District.

...Petitioner

Vs

1.The Appellate Authority,
Joint Commissioner of Labour(Gratuity),
Khajamiyan St, Mannarpuram, Trichirapalli - 20.

2.The Controlling Authority,
Assistant Commissioner of Labour(Gratuity),
No.26, Abdul Salam Street, Khaja Nagar, 3rd Cross,
Mannarpuram, Trichirapalli - 20.

3.A.Naina Mohammed

4.Saburnisa Begam

5.Mohamed Raffi

6.Mohamed Arif

7.Saganas Banu

...Respondents

*(R4 to R7 are impleaded vide Court order dated 09.04.2025 in
WMP(MD)No. 7534 of 2025 in WP(MD)No.16320 of 2018)*



WEB COPY

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorari**, calling for the entire records relating to order of 1st respondent passed in PG.A.No.1 of 2017, dated 21.12.2017, and quash the same.

For Petitioner : Mr.K.Rajmohan
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 & R2
Mr.V.O.S.Kalaiselvam for R3

* * * * *

ORDER

The Management of a Primary Agricultural Co-operative Credit Society has filed the present writ petition challenging the order passed by the first respondent herein wherein the Management has directed to pay a sum of Rs.3,36,046/- as gratuity to the third respondent.

2.The third respondent herein who was working as a Secretary in the petitioner Co-operative Society, had attained superannuation on 30.04.2012. Just before the date of retirement, an undertaking was obtained from him on 26.04.2012, to the effect that he would pay the award amount that is likely to be passed by the consumer Court.



WEB COPY

3.The third respondent herein has addressed a communication to the petitioner Management on 14.08.2012, that out of Rs.3,36,046/- as gratuity, he had been disbursed with only a sum of Rs.1,62,951/- and balance amount of Rs.1,73,095/- has to be disbursed. Since the said request was not acceded to, the third respondent herein had approached the second respondent under the Payment of Gratuity Act, 1972.

4.A perusal of the form-I filed by the third respondent reveal that the Management has to pay a sum of Rs.1,75,715/- towards gratuity. Pending application, the Management had chosen to disburse a sum of Rs.1,12,361/- out of this Rs.1,75,715/-. The third respondent has filed a proof affidavit before the original authority admitting the receipt of the entire principal amount of gratuity and had prayed for a sum of of Rs.40,332/- towards interest for the belated disbursement of the gratuity amount.

5.The second respondent herein who is the original authority had dismissed the application on the ground that the entire gratuity amount has been paid by the petitioner Management. Challenging the same, the third respondent has preferred an appeal before the first respondent. The grounds of appeal filed



before the first respondent, the third respondent had pleaded for payment of Rs.63,161/-, which was deducted by the petitioner Management towards loan amount from the third respondent wife.

6.The appellate authority without considering the payment that was already made by the Management, has proceeded to pass the impugned order directing the petitioner Management to pay a sum of Rs.3,36,046/- as gratuity amount. This order is put to challenge in the present writ petition.

7.According to the learned Counsel appearing for the Management, when the third respondent has already received the entire gratuity amount as per his entitlement, the appellate authority ought not to have passed an order for payment of Rs.3,36,046/-.

8.The learned Counsel appearing for the legal heirs of the deceased workmen has submitted that the payment was not made in time and for the belated payment, interest has not been paid by the Management.

9.I have considered the submissions made on either side and perused the materials available on record.



WEB COPY

10.As could be seen from the documents filed on the side of the workmen, it is clear that out of Rs.3,36,046/-, the petitioner Management had initially paid a sum of Rs.1,62,951/- and thereafter, another sum of Rs.1,12,361/- was disbursed by the Management. This amount has been accepted by the workmen as full and final settlement towards payment of gratuity. In his proof affidavit filed before the original authority, he has only sought for payment of interest to the tune of Rs.40,332/- towards interest portion for the belated disbursement of the gratuity. The appellate authority without considering the prayer of the workmen, has proceeded to pass the present impugned order directing the Management to pay the entire gratuity amount of Rs.3,36,046/- without considering the payment that was already made by the Management.

11.In view of the above said deliberations, it is clear that the impugned order of the first respondent is liable to set aside and accordingly, it is set aside. The petitioner Management is directed to pay a sum of **Rs.40,332/- (Rupees Forty Thousand Three Hundred and Thirty Two) along with 10% interest from 11.03.2016**. The payment shall be made within a period of 12(twelve) weeks from the date of receipt of a copy of this order.



WEB COPY

12. With the above said observations, this Writ Petition stands partly allowed to the extent as stated above. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

26.06.2025

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

To

1. The Joint Commissioner of Labour (Gratuity),
The Appellate Authority,
Khajamiyan St, Mannarpuram, Trichirapalli - 20.

2. The Assistant Commissioner of Labour (Gratuity),
The Controlling Authority,
No. 26, Abdul Salam Street, Khaja Nagar, 3rd Cross,
Mannarpuram, Trichirapalli - 20.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

W.P.(MD)No.16320 of 2018
and
W.M.P(MD)No.14505 of 2018

26.06.2025