

WP(MD)No.4844 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.4844 of 2017
and
WMP(MD)No.3865 of 2017

The Management,
RK 10 Virudhunagar District Central
Co-operative Bank Ltd.,
Rep. by its Special Officer,
Virudhunagar.

... Petitioner

versus

1. The Authority under
the Payment of Gratuity Act, 1972,
Bharathi Ula Salai, Race Course Colony,
Madurai – 625 002.

2.V.Thiruvenkata Ramanujam

3.M.Gopal

4.B.Palraj

5.B.Nagarajan

6.V.Srinivasan

7.M.Ayyalusamy

8.R.Balachandran



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9.P.Nagarajan

10.M.R.Raju

11.S.Rajamani

12.B.Krishnasamy

13.S.Gopalakrishnan

14.K.Murugesan

15.V.Kanagaraj

16.K.Ganapathy

17.S.Veerassamy

18.V.Srinivasan

19.S.Rajamanickam

20.M.Srinivasagam

21.A.Muthusamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the 1st respondent in PG.Nos.78,79,105/2008, 7 of 2009, 11 of 2011 to 26 of 2011, quash the common order passed therein on 19.12.2016.

For Petitioner : Mr.S.Seenivasagam

For R1 : Mr.C.Venkatesh Kumar
Special Government Pleader

For R2 to 21 : Mr.VOS.Kalaiselvam



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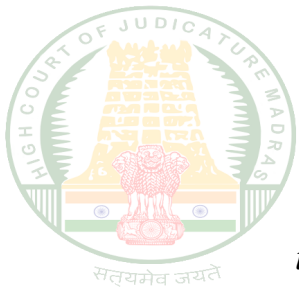
ORDER

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This writ petition is filed by the Management of District Central Co-Operative Bank, as against the order passed by the Controlling Authority under the Payment of Gratuity Act, 1972. The Controlling Authority has passed an order directing the Management to pay additional gratuity as per the terms of the agreement. Challenging the same, this writ petition is filed.

2. Pending this writ petition, some other writ petitions were referred to the Hon'ble Full Bench of this Court. The Hon'ble Full Bench, by order dated 30.10.2024 in W.P.(MD)Nos.4452 of 2013 and 23500 of 2016, etc. batch, has answered the reference as under:

“67. A careful cumulative analysis of provisions of law and the interpretations as observed above would indicate that a plain reading of the provisions of the Payment of Gratuity Act, 1972, would indicate that under Section 7(4)(a) of the Act, “if there any dispute as to the amount of gratuity payable to an employee under this Act”, the said admissibility of such claim should be examined only by the Controlling Authority, as defined under Section 3 of the Act. This is the only interpretation possible, since Section 4(5) of the Act recognises the right of the employee to receive 'better terms of gratuity' under any award or agreement or contract with



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the employer. Therefore, a dispute relating to the amount of gratuity payable would not only include the amount of gratuity payable as provided under Section 7(2) of the Act, but also as provided under Section 4(5) of the Act.”

3.Challenging the same, the Management preferred Special Leave Petitions before the Hon'ble Supreme Court in SLP Nos.12362 to 12366 of 2025. The Hon'ble Supreme Court, on 13.05.2025, entertained the same and granted an interim order directing the parties to maintain *status quo* as on the date of order.

4. Admittedly, all the private respondents/employees have been paid the gratuity amount. However, they are claiming gratuity based on the agreement that they are entitled for gratuity for more number of years than their actual services as per the terms of the agreement. The issue has already been answered by the Hon'ble Full Bench and it is *sub judice* before the Hon'ble Supreme Court.

5.Since the issue is pending before the Hon'ble Supreme Court, the pendency of this writ petition before this Court would not serve any purpose. Therefore, this writ petition is closed with a direction to the



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Management to settle the amount if any, as per the orders of the Hon'ble Supreme Court, to the private respondents / employees, within a period of six weeks from the date of receipt of the orders of the Hon'ble Supreme Court. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2025

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

DSK

TO

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B.PUGALENDHI,J.

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