



W.P.(MD) No.894 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.894 of 2017

and

W.M.P.(MD) No.741 of 2017

P.Thirunavukarasu

... Petitioner

Vs.

1.The Joint Commissioner of Labour,
Tiruchirappalli,
Tiruchirappalli District.

2.The Assistant Commissioner of Labour,
Office of the Assistant Commissioner of Labour,
Dindigul.

3.The Special Officer,
Dindigul Central Co-operative Bank Ltd.,
Kootturavu Nagar,
Trichy Road,
Dindigul.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to
issue a Writ of Certiorari, to call for the records pertaining to the impugned



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orders passed by the 1st respondent in P.G.A.No.19 of 2013 dated 28.10.2014 conforming the order passed by the 2nd respondent in P.G.I.A.No.27 of 2012 in P.G.No.11 of 2011 dated 24.12.2012 and quash the same.

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

For Respondents : Mr.A.Baskaran
Additional Govt. Pleader – for RR1 & 2

: Mr.D.Shanmugaraja Sethupathi

ORDER

This writ petition has been filed aggrieved by an order passed by the first respondent rejecting the appeal filed by the petitioner against the order passed in the interlocutory application filed in the payment of gratuity case filed by the petitioner.

2. The facts of the case are that the petitioner in this writ petition approached Respondent No.2 claiming for payment of gratuity against Respondent No.3. In the said claim, Respondent No.3-Management filed an application contending that the Controlling Authority, that is, Respondent No.



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2 has no authority to adjudicate the matter, as the gratuity that is being claimed by the petitioner is not in terms of the provisions of the Payment of Gratuity Act, 1972 but in terms of the “better terms of gratuity”. The said interlocutory application was allowed by Respondent No.2 holding that Respondent No.2-Controlling Authority can only entertain a claim for payment of gratuity in terms of the provisions contained in the Payment of Gratuity Act, 1972. The appeal filed there against by the petitioner herein before Respondent No.1-Appellate Authority was also dismissed on the very same ground of jurisdiction without adjudicating the matter on merits. It is aggrieved by the said order passed by Respondent No.1-Appellate Authority, the petitioner approached this Court by filing the present writ petition.

3. When the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel on either side that the issue as to the jurisdiction of the Controlling Authority to adjudicate the claims made for payment of gratuity otherwise than under the provisions of the Payment of Gratuity Act fell for consideration in a batch of writ appeals before a learned Full Bench of this Court and the learned Full Bench has concluded that the



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Controlling Authority under the Payment of Gratuity Act, 1972 can also adjudicate the claims made for payment of gratuity otherwise than under the provisions of the Payment of Gratuity Act in W.A.No.4452 of 2013 etc., dated 30th October, 2024. Thus, now it is settled that the Controlling Authority can entertain claims made for payment of gratuity otherwise than under the provisions of the Payment of Gratuity Act, 1972 also.

4. Thus, in the light of the decision of the Hon'ble Full Bench referred to above, the impugned order cannot be sustained and accordingly, the same is hereby quashed and the matter is remitted back to Respondent No.2 for adjudicating the claim made by the petitioner on merits and in accordance with law. Considering the fact that the matter is pending before this Court for all these years, Respondent No.2 is directed to adjudicate and conclude the claim proceedings as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order. The petitioner is also granted liberty to approach the Controlling Authority for reinitiation of the proceedings as directed.



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5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.03.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

- 1.The Joint Commissioner of Labour,
Tiruchirappalli,
Tiruchirappalli District.
- 2.The Assistant Commissioner of Labour,
Office of the Assistant Commissioner of Labour,
Dindigul.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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