



W.P(MD)No.26108 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26108 of 2024

and

W.M.P(MD)Nos.22135 of 2024 & 5100 of 2025

The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
Bridge Station Road,
Sellur,
Madurai-625 002.

... Petitioner

Vs.

1.The Controlling Authority under
the Payment of Gratuity Act 1972,
Regional Labour Commissioner (Central),
Office of the Regional Labour Commissioner,
Madurai.

2.M.Malliga

3.The Secretary / Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Fort St. George,
Chennai-600 009.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in G.A.No.16/2024, dated 25.09.2024 and quash the same and pass such other appropriate order as this Court.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R-1 & R-3 : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R-2 : Mr.R.Murali

ORDER

The present writ petition has been filed by the Life Insurance Corporation of India, who is the employer of the second respondent, challenging a notice issued by the first respondent, who is the Controlling Authority under the Payment of Gratuity Act, 1972.

2. The second respondent herein is said to have been appointed as an Assistant under the Scheduled Tribe quota in the petitioner Corporation. Her Community Certificate is under scrutiny before the third respondent. While the certificate was under scrutiny before the authorities, the second respondent has attained superannuation on 31.08.2023.



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3. Since the gratuity was not released, she has approached the first respondent herein by filing an application. The authority has passed an order on 25.09.2024 directing the petitioner Corporation to release a sum of Rs.20,00,000/- along with 10% interest towards gratuity. Pursuant to the said order, a notice has been issued on 25.09.2024 under the impugned order by the first respondent. Challenging the said notice, the present writ petition has been filed.

4. According to the learned Counsel appearing for the writ petitioner, the Community Certificate of the second respondent is under scrutiny before the Statutory Committee, namely, the third respondent. The learned Additional Advocate General appearing for the third respondent herein submitted that a notice was issued to the second respondent to appear for the enquiry on 07.07.2025. The said notice was challenged by the second respondent in W.P(MD)No.12726 of 2025 and the same is yet to be disposed of.

5. The learned Counsel appearing for the petitioner submits that incase if the Community Certificate of the second respondent is found to be bogus, the second respondent would not be entitled to any terminal benefits.



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6. Considering the fact that the issue relating to the genuineness of the Community Certificate of the second respondent is pending before the third respondent, the second respondent has to await for the final outcome of the genuineness of her Community Certificate. The order impugned in the writ petition shall be kept in abeyance till a finality is reached with regard to the genuineness of the Community Certificate of the second respondent. In case, if the Community Certificate is found to be genuine, the petitioner has to comply with the orders of the first respondent, within a period of four (4) weeks thereafter.

7. With the above said observations, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

23.06.2025

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



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R.VIJAYAKUMAR, J.

BTR

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