WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No. 23318 of 2017
and
W.M.P.(MD) No.19602 of 2017

The Management,
Kumbakonam Central Cooperative Bank Limited,
Rep., by its Managing Director/Joint Registrar,
Kumbakonam, Thanjavur District. ... Petitioner

Vs.

1.K.Andal

2.The Assistant Commissioner of Labour (Gratuity),
Controlling Authority under
Payment of Gratuity Act, 1972,
O/o. Deputy Commissioner of Labour,
Tiruchirappalli-20.

3.The President,
Ariyapuram Primary Agricultural
Cooperative Credit Society,
Ariyapuram, Papanasam Taluk,
Thanjavur District. ... Respondents

https://www.mhc.tn.gov.in/judis

WEB COPY

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 order passed by the second respondent vide P.G.No.445/2016, dated 04.09.2017 and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.V.O.S.Kalaiselvam – for R1

: Mr.A.Baskaran
Additional Govt. Pleader – for RR2 & 3

ORDER

This writ petition has been filed against an order passed by the Respondent No.2-Controlling Authority under the provisions of the Payment of Gratuity Act, 1972 (hereinafter referred to as "the Act, 1972") directing payment of gratuity to Respondent No.1.

2. Though an effective and efficacious alternate remedy of appeal is available under sub-section (7) of Section 7 of the Act, 1972, the petitioner approached this Court by filing this writ petition challenging the jurisdiction of the Respondent No.2 to entertain a claim for payment of gratuity otherwise

https://www.mhc.tn.gov.in/judis

WEB COPY

than in terms of the provisions contained in the Act, 1972. In nutshell, it is the contention of the petitioner that Respondent No.2 lacks jurisdiction to entertain any claim for payment of gratuity otherwise than under the provisions of the Act, 1972.

3. In view of the jurisdictional issue that was raised, this Court has entertained the writ petition and passed appropriate interim orders. Now that, the said issue is resolved by a Hon'ble Full Bench of this Court W.P.(MD) No. 4452 of 2013 etc., dated 30.10.2024 affirmatively holding that the Controlling Authority has got jurisdiction to entertain a claim for payment of gratuity not only under the Payment of Gratuity Act but under the other provisions in specific “better terms of gratuity”.

4. In the light of the conclusive decision of the Hon'ble Full Bench of this Court, such ground which is raised by the petitioner and the basis for entertaining this writ petition is no more available. In view of the same, this writ petition cannot be entertained in view of the alternate remedy available under sub-section (7) of Section 7.

https://www.mhc.tn.gov.in/judis

WEB COPY

5. Accordingly, this Writ Petition is dismissed. The petitioner is granted liberty to file appeal within a period of four weeks from the date of receipt of a copy of this order and in case, if any such appeal is filed within the time stipulated above, the same shall be entertained by the learned Appellate Authority, however, without reference to the period of limitation prescribed under sub-section (7) of Section 7 of the Act, 1972 and the Rules. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.04.2025

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

ABR

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1.The Assistant Commissioner of Labour (Gratuity),
Controlling Authority under
Payment of Gratuity Act, 1972,
O/o. Deputy Commissioner of Labour,
Tiruchirappalli-20.

2.The President,
Ariyapuram Primary Agricultural
Cooperative Credit Society,
Ariyapuram, Papanasam Taluk,
Thanjavur District.

https://www.mhc.tn.gov.in/judis

WEB COPY

MUMMINENI SUDHEER KUMAR, J.

ABR

W.P.(MD) No.23318 of 2017

02.04.2025

https://www.mhc.tn.gov.in/judis