IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 1950 of 2026

and

WMP Nos.2043 and 2044 of 2026

M.Krishnamoorthy
S/o.Munusamy,
No.61, Appanu Vattam,
Vaniyambadi, Kethandapatti Village,
Thirupattur District-635 815

..Petitioner(s)

Vs

1. The Managing Director
   Tirupattur Coop. Sugar Mills Ltd.,
   Kethandapatti, Thirupattur District-635 815
2. The Commissioner Sugar Corporation,
   No.690, Anna Salai,
   Nandanam, Chennai-600 035.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent herein vide his proceedings Na.Ka. No.Gratuity / Kaa.A/ 2025 dated 06.02.2025 and consequently direct the first respondent to issue the balance 8 days gratuity with interest to the petitioner.

For Petitioner(s): S.Ezhilraj

For Respondent(s): Mr.C.Selvaraj for R1
Additional Government Pleader

Mr.P.Balathandayutham for R2
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order of the first respondent dated 06.02.2025, and consequently, seeking a direction to the first respondent to disburse the balance gratuity for 8 days, together with interest, to the petitioner.

2.The case of the petitioner is that he was appointed as an NMR (Non-Muster Roll) employee under the first respondent Sugar Mill and rendered 28 years of continuous service, retiring on superannuation on 31.01.2017. Despite being eligible for gratuity under Section 4 of the Payment of Gratuity Act, 1972, the first respondent calculated gratuity at the rate of 7 days' wages per year, instead of 15 days' wages, which is contrary to statutory provisions and the binding circulars issued by the Commissioner of Sugar, the 2^{nd} respondent herein. The 2^{nd} respondent, by Circulars dated 25.07.1990 and 04.12.2009, categorically directed that seasonal/NMR employees who have completed the prescribed service are entitled to gratuity at the rate of 15 days' wages per year, with strict instructions for timely settlement. Earlier, the petitioner approached this Court in W.P No.17364 of 2022, wherein this Court, by order dated 08.07.2022, directed the first respondent to consider the petitioner's representation. Though the petitioners submitted representations on 13.06.2023, 10.10.2023 and 24.01.2024, the respondents failed to consider the same. Hence the petitioner initiated Contempt Petition No.3246 of 2025, wherein this Court granted liberty to file a fresh writ petition challenging the rejection order dated 06.02.2025. Hence, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that the issue involved in the present writ petition is no longer *res integra,* as the same has already been decided by the Division Bench of this Court in W.A Nos.361, 362, 363 and 365 of 2024 and batch cases. Accordingly, he prayed to allow this writ petition.

4.Per contra, the learned Additional Government Pleader appearing for the first respondent would submit though the present issue is covered by the order of the Division Bench of this court, this Court may grant liberty to the respondents to disburse the amount, subject to verification as to whether any appeal is pending against the order of the Division Bench of this Court.

5.In response to the submissions made by the learned Additional Government Pleader appearing for the first respondent, the learned counsel for the petitioner would submit that the order of the Division Bench has attained finality and that no appeal has been filed. Accordingly, he prayed for appropriate orders.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.The facts of the present case are not in dispute. Admittedly, the petitioner entered into service in the year 1989 and retired after completing 28 years of service. After retirement, the petitioner made an application for payment of gratuity, however, the same was not considered. Hence, the petitioner filed W.P No.17364 of 2022, wherein this Court directed the respondents herein to consider the petitioner's claim and pass appropriate orders. Pursuant thereto, the present impugned order came to be passed. The issue that arises for consideration in this writ petition is whether the petitioner is entitled to gratuity calculated at the rate of 15 days' wages or 7 days' wages per year of service. The very same issue was considered by the Division Bench of this Court in W.A No.361 of 2024 and batch cases, by order dated 20.06.2024, wherein it was held as follows:

> *"2. Brief facts that are required for consideration of these appeals are as follows:*
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> *2.1. The appellants herein are the Management of Cooperative Sugar Mills and the respondents are the employees. The case of the appellants is that the respondents are seasonal employees in the 1st appellant Management and they have completed more than 27 years of service and their gratuity amounts were collected as per Section 4 of the Payment of Gratuity Act, 1972.*
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> *2.2. The appellant Management paid only 7 days gratuity amount to the respondents as per the Gratuity Act. However, the respondents claimed that they have to pay gratuity for 15 days per year as per the Circular issued by the 2nd appellant dated 25.07.1990. Therefore, the respondents approached this Court by filing W.P Nos.17795, 17779, 18330, 27317 and 2199*

of 2022, to pay 15 days gratuity amount to them. This Court, allowed the writ petition on 06.11.2023. Challenging the said order, the present writ appeals are filed by the appellant Management.

3.The learned counsel appearing for the appellants submitted that as per Section 4 of the Payment of Gratuity Act, the present respondents are entitled to get gratuity only for 7 days and the Government cannot issue a Circular dated 25.07.1990, overriding the statute.

4.Further the said Circular also precedes another Circular dated 20.08.1997, wherein it was held as follows:

".... that the employees, who work as seasonal employee throughout their service and retire as same, are entitled to gratuity calculated at the rate of 7 days wages for each year of completed service, as provided under Section 4 of the Act, except for years they worked for not less than 240 days in a year for which they have to be paid gratuity, calculated at the rate of 15 days wages for each years as per the provisions of the Act, irrespective of the date of retirement.

Therefore, the learned Judge without considering the disputed questions of fact, has wrongly come to a conclusion to grant gratuity amount to the respondents for 15 days per year.

8. Perusal of records would show that the endeavour of the learned counsel for the appellants is to convince this Court to state that the Circular dated 20.08.1997 was not taken into consideration, however the learned Judge after going into the entire facts and judgments relied on by the respondents, in that *regard, held that the said Circular was not placed for consideration before the competent authority and thereby, the learned Judge refused to accept the said contention and pointed out that any Circular issued by the Government will not deprive the benefits given to the similarly placed persons and rightly reached a conclusion to grant Gratuity for 15 days in a year.*

9.This Court, after carefully going through the well reasoned order, is of the view that the appellants have admitted that the respondents have not put in more than 20 years of service, however, as per the Circular, the disputed question of fact is as to whether they worked for not less than 240 days in a year and in that regard, there is no materials available before this Court to dispute the same. Since the respondents have worked for 27 years as seasonal employees, they are entitled to get Gratuity for 15 days and therefore, this Court does not find any infirmity in the order passed by the learned Judge and not inclined to interfere with the same. Accordingly, these Writ Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed".

8. Applying the ratio laid down by the Division Bench of this Court, the respondents are directed to settle the gratuity amount due to the petitioner, together with statutory interest, strictly in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9.With the above direction, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

UMA

To

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M.DHANDAPANI, J.

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