



WEB COPY

WP No. 29857 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 29857 of 2002

Kandasamy Spinning
Mills (p) Ltd.,
Suriyampalayam, Bhavani-638 301
rep. By its Managing Director

..Petitioner(s)

Vs

1. The Asst. Commissioner
of Labour,
(Controlling Authority Under Payment Of
Gratuity Act),
Salem.
2. The Joint Commissioner of Labour,
(Appellate Authority Under Payment Of
Gratuity Act),
Coimbatore
3. P.Narayanasamy, S/o. Perumal
Chettiyar Door No.1-a Veeraraghavan St.,
Arisipalayam, Salem 636 007
4. Kumaravel Rana Spinning Mills (P) Ltd.,
474, Vaalayalkara Street,
Suriyampalayam,
Erode.
5. Jambai J.K.K.N.M. Textiles (P) Ltd.,
Salem Main Road,
Kumarapalayam-638 183.

..Respondent(s)



Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the second respondent in PGA No.61 of 2000 and quash its order dated 18.02.2002.

For Petitioner(s):

Mr.S.Sathish Kumar for

M/S.T.S.Gopalan & Co.

For Respondent(s):

Mr.C.Prabakaran, Govt. Counsel for R1 & R2

RR3, 4-NRN

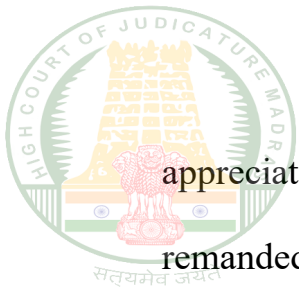
No Appearance for R5

ORDER

Challenging the order passed by the second respondent in PGA No.61 of 2000 dated 10.02.2002, the present Writ Petition has been filed.

2. Heard the learned counsels appearing on either side and also perused the materials available on record.

3. The learned counsel for the petitioner submitted that the third respondent filed an application before the first respondent in Gratuity Application No.125 of 1995 which was dismissed on 30.12.1997 on the ground that the third respondent was not employed under the petitioner and aggrieved by the same, the third respondent filed a Gratuity Appeal in PGA No.61 of 2000 before the second respondent, wherein the second respondent without



appreciating the fact and evidence adduced before the first respondent, remanded the matter back to the first respondent for fresh disposal on 18.02.2002. He further submitted that the second respondent has no power to remand the matter to the first respondent without exercising its power and decide the matter as an Appellate Authority. He also relied upon an identical issue decided by this Court in the case of *Tiruchengode Agricultural Producers Co-operative Marketing Society Ltd., Vs. Appellate Authority under Payment of Gratuity Act* reported in *2002 (1) LLJ 1105*, wherein this Court has held that the Appellate Authority under the Payment of Gratuity Act has no power to remand the case to the Controlling authority and thus, he prayed this Court to set aside the impugned order passed by the second respondent dated 18.02.2002.

4. The learned Government Advocate for the respondents 1 & 2 did not dispute the submissions of the learned counsel for the petitioner.

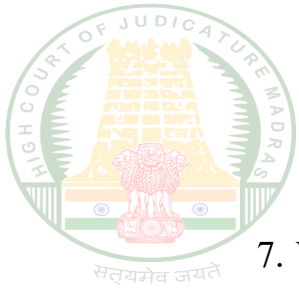
5. The fact in this case is not disputed. As against the order passed by the Controlling Authority in the Gratuity Application, the third respondent preferred a Gratuity Appeal before the second respondent/Appellate Authority, where the matter was remanded back to the first respondent/Controlling Authority for fresh disposal on 18.02.2002. Challenging the same, the present Writ Petition has been filed by the petitioner. However, the said issue is no longer *res integra*



as the same is covered by the decision of this Court in the case of ***Tiruchengode Society's case*** as stated supra and the relevant portion of the order is extracted as follows:

“7. I am inclined to agree with the contentions raised by learned counsel. Inasmuch as the statutory provision, namely, Section 7(8) of the Payment of Gratuity Act does not confer any specific power on the Appellate Authority to remand the matter, the order of reman of the Appellate Authority is liable to be set aside. However, if in the opinion of the Appellate Authority any further materials are required for evidence, it is open to the Appellate Authority to himself call upon the parties to adduce further evidence and to dispose of the appeal in accordance with law on the basis of the further materials placed.”

6. Considering the facts of the case and in the light of the decision of this Court in *Tiruchengode Society's case* as stated supra, the impugned order of the second respondent passed in PGA No.61 of 2000 dated 18.02.2002, is hereby set aside and the matter is remanded back to the second respondent/Appellate Authority to decide the issue and to pass appropriate orders on merits and in accordance with law.



7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

11-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DP

To

1. The Asst. Commissioner
of Labour,
(Controlling Authority Under Payment Of
Gratuity Act), Salem.
2. The Joint Commissioner of Labour,
(Appellate Authority Under Payment Of
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M.DHANDAPANI, J.

DP

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