



WEB COPY

WP No. 15342 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 15342 of 2025

and

WMP.No.12374 of 2026

T.Prabakaran

S/o Tirumalai Nayakan No 1, Patel Street,
Ayyappa Nagar, K.K. Nagar Post, Tiruchy 620 021

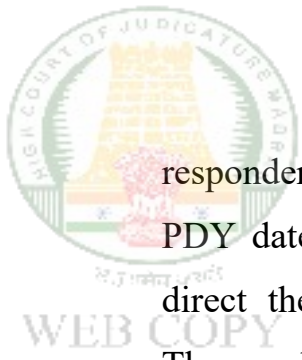
..Petitioner(s)

Vs

1. The Appellate Authority Under The Payment
Of Gratuity Act
And Deputy Chief Labour Commissioner,
5th Floor, Shastri Bhawan, Chennai 06
2. The Controlling Authority Under The Payment
Of Gratuity Act
And Assistant Labour Commissioner,
DA-2, BSNL Staff Quarters Jayanagar,
Reddipalayam, Puducherry 605 010
3. The Assistant General Manager
Bank of Baroda,
Regional Office No 9 Reyholds Road,
3rd Floor, Mangalam Tower Cantonment,
Trichy 620 001

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order in G.a. Nos 191/2023 dated 25.02.2025 on the file of the 1st



respondent reversing the order passed in Gratuity Application No 48/18 / 2019-PDY dated 20.03.2023 on the file of the 2nd respondent quash the same and direct the 3rd respondent to pay Rs 7,17,389.95 (Seven Lakhs Seventeen Thousand Three Hundred Eighty Nine and Ninety Five Paisa Only) as interest from the date of superannuation on 30.05.2015 for delayed payment of gratuity within specified time.

For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Ms. Gopika Nambiar, SPCCG For R1

No Appearance for R2

Ms.Revathi Manivannan For R3

ORDER

The order passed by the first respondent in G.A.Nos.191/2023 dated 25.02.2025, reversing the order passed by the second respondent in Gratuity Application No.48/18 / 2019-PDY dated 20.03.2023, is put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the third respondent to pay Rs.7,17,389.95 (Seven Lakhs Seventeen Thousand Three Hundred Eighty Nine and Ninety Five Paisa Only) as interest from the date of superannuation on 30.05.2015 for the delayed payment of gratuity within specified time, as fixed by this Court.

2. Heard the learned counsels appearing on either side.



3. It is the case of the petitioner that he belongs to Kattunayakan community of Scheduled Tribe and joined the service of the Bank of Baroda as short off-cum-clerk on 05.10.1983 and after serving 31 years 7 months & 26 days, attained superannuation on 30.05.2015. However, prior to one day of his retirement, the third respondent found that the petitioner's community certificate is not genuine and the matter was referred to State Level Scrutiny Committee [for brevity, hereinafter referred to as "SLSC"] and his terminal benefits were retained. Thereafter, SLSC conducted the enquiry and concluded the findings and passed the order stating that the petitioner's community is genuine on 04.01.2022 and pursuant to which, the third respondent paid the gratuity amount of Rs.10,39,008/- on 27.04.2022. However, the petitioner was not paid any interest for the delayed gratuity amount for the period from 30.05.2015 to 27.04.2022. The petitioner made an application to the second respondent claiming statutory interest for the belated payment, for which the second respondent passed an order directing the third respondent to pay interest for a sum of Rs.7,17,389.95. Aggrieved by the order of the second respondent, the third respondent preferred an appeal before the first respondent which was allowed. Challenging the same, the present Writ Petition has been filed.

4. The learned counsel for the petitioner submitted that the genuinity of the petitioner's community was proved by the order of the SLSC dated



04.01.2022 and thereafter, the petitioner's gratuity amount was released on 27.04.2022 without interest, for which, the petitioner made an application for interest to the second respondent, who in turn passed the order on 20.03.2023 directing the third respondent to pay interest for the delayed payment of gratuity amount. He further submitted that aggrieved by the order of the second respondent, the third respondent preferred an appeal which was allowed by the first respondent on 25.02.2025 which is not sustainable and hence, challenging the same, the present Writ Petition has been filed by the petitioner for grant of the aforesaid reliefs.

5. Per contra, the learned counsel for the third respondent submitted that whenever a complaint was received against an employee, it is the duty cast upon the employer to verify the same and hence, the matter was referred to the SLSC for verifying the genuinity of the community certificate of the petitioner and on completion of enquiry, the SLSC had passed the order only on 04.01.2022 and as soon as they received the said order, the third respondent paid the gratuity amount to the petitioner on 27.04.2022, which is not the mistake of the third respondent and the time consumed for passing the order by the SLSC cannot be imposed as a mistake on the third respondent and hence, he prayed for dismissal of the petition.



6. I have considered the rival submissions made by the respective learned counsels and also perused the materials available on record.

7. Admittedly, due to the compliant received as against the petitioner in respect of community, the petitioner's terminal benefits were withheld and the matter was referred to SLSC and based on the order of the SLSC dated 04.01.2022, the gratuity amount was released to the petitioner on 27.04.2022, for which the petitioner has made an application claiming interest for the delayed payment of gratuity amount, which was granted by the second respondent. However as against the order of the second respondent, the third respondent filed an appeal before the first respondent and the same was allowed. Assailing the same, the present Writ Petition has been filed by the petitioner for grant of interest as directed by the second respondent through his order dated 20.03.2023. It is the contention of the third respondent that the mistake is not on their part but it is only due to the delay in passing of the order by the SLSC and hence, they are not liable to pay any interest to the petitioner. However, it is pertinent to note that the order of the SLSC was passed on 04.01.2022 but the gratuity amount was released only on 27.04.2022 to the petitioner, so the petitioner is entitled for interest from 04.01.2022 to 27.04.2022 but not as claimed for the period from 30.05.2015 to 27.04.2022.



8. In view of the above discussions, this Court set asides the impugned order passed by the first respondent dated 25.02.2025 and directs the third respondent to pay interest at the rate of 10% for the delayed payment of gratuity amount to the petitioner from 04.01.2022 to 27.04.2022.

9. The Writ Petition is disposed of in the above terms. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DP

To

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2. The Controlling Authority Under The Payment Of Gratuity Act
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M.DHANDAPANI, J.

DP

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