



W.P.Nos.25030, 25065, 25068, 25087, 25096 and 25246 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.25030, 25065, 25068, 25087,
25096 and 25246 of 2025**

And

**W.M.P.Nos.28208, 28209, 28231, 28232, 28237, 28238,
28263, 28265, 28275, 28276, 28408 and 28409 of 2025**

M/s.Maduranthagam Co-operative Sugar Mills Limited,
Rep. by its Administrator,
Having Office at Padalam Post,
Maduranthagam Taluk,
Chengalpattu District. ... Petitioner in all the W.Ps.

Vs.

- 1.The Additional Commissioner of Labour,
(Appellate Authority under the Payment of
Gratuity Act, 1972)
D.M.S.Compound,
Tamil Nadu Labour Welfare Board Building
6th Floor, Teynampet,
Chennai – 6.
- 2.The Deputy Commissioner of Labour, (DCL-2)
(Controlling Authority under the Payment of
Gratuity Act, 1972)
D.M.S.Compound,
Tamil Nadu Labour Welfare Board Building
6th Floor, Teynampet,
Chennai – 6. ... Respondents in W.P.25030/2025



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Tamil Nadu Labour Welfare Board Building,
D.M.S.Compound,
Teynampet,
Chennai – 6.

... Respondents in W.Ps.25065,
25068, 25087, 25096 & 25246/2025

3.V.Murugesan	... Respondent in W.P.25030/2025
3.P.Gajendiran	... Respondent in W.P.25065/2025
3.K.Kumar	... Respondent in W.P.25068/2025
3.G.Kanniyappan	... Respondent in W.P.25087/2025
3.G.Subramani	... Respondent in W.P.25096/2025
3.V.Mani	... Respondent in W.P.25246/2025

Prayer in W.P.No.25030 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the order of the first respondent dated 05.01.2023 made in PGA No.18/2021 on the ground of jurisdictional facts in terms of Sections 79 and 153 of the Tamil Nadu Co-operative Societies Act, 1983 and quash the same with consequential direction to the second respondent to refund the gratuity amount of Rs.2,43,631/- relating to the third respondent – deposited by the petitioner Sugar Mill within the time to be stipulated by this Hon'ble Court.



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Prayer in W.P.No.25065 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the order of the first respondent dated 05.01.2023 made in PGA No.28/2021 on the ground of jurisdictional facts in terms of Sections 79 and 153 of the Tamil Nadu Co-operative Societies Act, 1983 and quash the same with consequential direction to the second respondent to refund the gratuity amount of Rs.3,09,383/- relating to the third respondent – deposited by the petitioner Sugar Mill within the time to be stipulated by this Hon'ble Court.

Prayer in W.P.No.25068 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the order of the first respondent dated 05.01.2023 made in PGA No.15/2021 on the ground of jurisdictional facts in terms of Sections 79 and 153 of the Tamil Nadu Co-operative Societies Act, 1983 and quash the same with consequential direction to the second respondent to refund the gratuity amount of Rs.2,73,512/- relating to the third respondent – deposited by the petitioner Sugar Mill within the time to be stipulated by this Hon'ble Court.

Prayer in W.P.No.25087 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the order of the first respondent dated 05.01.2023 made in PGA No.17/2021 on the ground of jurisdictional facts in terms of Sections



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79 and 153 of the Tamil Nadu Co-operative Societies Act, 1983 and quash the same with consequential direction to the second respondent to refund the gratuity amount of Rs.2,43,621/- relating to the third respondent – deposited by the petitioner Sugar Mill within the time to be stipulated by this Hon'ble Court.

Prayer in W.P.No.25096 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the order of the first respondent dated 05.01.2023 made in PGA No.8/2021 on the ground of jurisdictional facts in terms of Sections 79 and 153 of the Tamil Nadu Co-operative Societies Act, 1983 and quash the same with consequential direction to the second respondent to refund the gratuity amount of Rs.2,79,490/- relating to the third respondent – deposited by the petitioner Sugar Mill within the time to be stipulated by this Hon'ble Court.

Prayer in W.P.No.25246 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the order of the first respondent dated 05.01.2023 made in PGA No.10/2021 on the ground of jurisdictional facts in terms of Sections 79 and 153 of the Tamil Nadu Co-operative Societies Act, 1983 and quash the same with consequential direction to the second respondent to refund the gratuity amount of Rs.2,96,428/- relating to the third respondent – deposited by the petitioner Sugar Mill within the time to be stipulated by this Hon'ble Court.



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For Petitioner : Mr.Haja Nazurideen
Additional Advocate General
Assisted By
Mr.P.Haribabu
Government Advocate
in all the W.Ps.

For Respondents : Mr.T.M.Rajangam for R1 and R2
Government Advocate
in W.P.25030/2025

Mr.S.Rajesh for R1 and R2
Government Advocate
in W.Ps.25065, 25068, 25087, 25096 &
25246/2025

Mr.P.B.Suresh Babu for R3
in all the W.Ps.

COMMON ORDER

Since the issue involved in the above writ petitions are one and the same they are disposed of by way of this common order.

2. The case of the petitioner is that the petitioner sugar mill is a Co-operative Sugar Society registered under the Tamil Nadu Co operative Societies Act, 1983. It was established for the welfare of the Farmers/Sugar Cane Growers located in and around Maduranthagam area and the area of operation of the Society is restricted to the entire Taluks of Chengalpattu District and Uthiramerur, Kanchipuram District.



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The respective private respondents in respective writ petitions were engaged in Non Muster Role in the petitioner Sugar Mill and were relieved on various dates on attaining the age of superannuation on payment of terminal benefits including gratuity. Thereafter, the manufacture of sugar has dwindled in quantity in downward trend from the year 1995. Thereby, the petitioner sugar mill remained closed from April, 2001 to January 2012. Further the NMRs and cane farm labourers were never in continuous service till they were absorbed as permanent employees in terms of Section 2-A of Payment of Gratuity Act, 1972. Seeking to release the gratuity till April 2017, the respective private respondents in respective writ petitions have filed an application before the second respondent, however, the same was allowed in favour of the petitioner. Challenging the same, the respective private respondents have preferred appeal before the first respondent/ Appellate Authority, however, the first respondent without taking into consideration the nature of employment of the respective private respondents had allowed the application filed by the respective private respondent. Challenging the same the present writ petitions have been filed.



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3. The learned Additional Advocate General for the petitioner

submits that admittedly the claim of gratuity when the mill suspended its operation is fallacious in view of the fact that the petitioner Mill was closed on account of various factors during the period 2001 and was revived only during 2011 pursuant to the G.O.(Ms).No.110 Industries (MIC.1) Department dated 07.08.2010. When the petitioner sugar mill was under closure during which period the respective private respondents have no locus standi to claim gratuity. Hence, this Court may modify the order passed by the first respondent by directing the petitioner to pay the gratuity amount as ordered by the second respondent except for the closure period ie., from 2001 to 2010.

4. The learned counsel appearing for the employee submitted that the petitioner claim that the Mill was closed from 2001 to 2010, if it is so, it is only lay off and the private respondents are entitled for gratuity during the lay off period and hence the grievance expressed by the learned Additional Advocate General is mis-conceived.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.



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6. In the light of the above submissions, this Court without interfering with the orders impugned directs the petitioner to pay the gratuity as ordered by the second respondent in favour of the respective private respondents from the date of initial employment till the date of gratuity application except for the period of closure ie., from Jan 2001 till 07.08.2010 within a period of eight (8) weeks from the date of receipt of a copy of this order less the amount already deposited before the authority. However, liberty is granted to the respective private respondents to withdraw the entire amount if any deposited by the petitioner with accrued interests and costs. It is made clear that the appellate authority shall calculate the gratuity amount except for the above prescribed period and disburse the same to the employees.

7. With the above observation, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

25.03.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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WEB COPY

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M.DHANDAPANI,J.
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