Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 42962 of 2026
and W.M.P.Nos.48260 & 48262 of 2026
CNR: {HCMA012441932026}

The Management
M.Kumaramapalayam Sarvodaya Sangam,
Savadi Street, Mulanur Post,
Dharapuram, Tiruppur- 638 106.

..Petitioner(s)

Vs

N.Duraisamy
S/o.Late Nachimuthu Gounder,
92/13, Vadugapatti Road,
2nd Street, Mulanur,
Tiruppur- 638 108.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, Calling for the entire records in pursuant to the Impugned Order in C.P. No. 341 of 2022 dated 12.09.2024 passed by the Hon'ble Additional Labour Court, Coimbatore and quash the same.

For Petitioner(s): Mr.A.Deivasigamani

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ORDER

This writ petition has been filed to calling for the entire records in pursuant to the Impugned Order in C.P. No. 341 of 2022 dated 12.09.2024 passed by the Hon'ble Additional Labour Court, Coimbatore and quash the same.

2. There is no merit in the present writ petition, as the impugned order was passed by the Labour Court under Section 33C(2) of the Industrial Disputes Act, 1947, computing the ex-gratia payable to the respondent by the petitioner/employer pursuant to the resolutions passed by the petitioner.

3. Merely because the respondent had earlier filed a civil suit in O.S.No.247 of 2021 before the learned Sub Court, Dharapuram, which was dismissed on 06.04.2022, and subsequently filed an application before the Controlling Authority in G.A. No. 67 of 2023 on 09.11.2022 (which is said to be currently pending), is of no significance. This is because, the gratuity payable to the respondent has admittedly been paid by the petitioner, albeit belatedly. Indeed, the petitioner is also liable to pay interest on the belated payment of gratuity in terms of Section 7(3-A) and Section 8 of the Payment of Gratuity Act, 1972.

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4. The respondent, who served as an Assistant with the petitioner, resigned on 30.04.2015 to take advantage of the petitioner's resolution, and was therefore entitled to an ex-gratia amount of Rs.4,09,981/-. This aspect was duly examined by the Labour Court in the impugned order dated 12.09.2024 passed in C.P. No. 341 of 2022.

5. Furthermore, the present writ petition was filed against the impugned order only after an order was passed in E.P. No. 60 of 2025 executing the aforesaid order and attaching the bank account of the petitioner. The petitioner has separately challenged the execution order passed in E.P. No. 60 of 2025 (arising out of C.P. No. 341 of 2022) in W.P. No. 42967 of 2026. Whether the Labour Court was justified in awarding interest amounting to Rs.3,53,603/- at 9% per annum from 01.05.2015 till 26.11.2024 can be decided separately in W.P. No. 42967 of 2026.

6. In my view, merely because the petitioner is aggrieved by the computation calculated during the execution proceedings, they are not entitled to challenge the main computation order in C.P. No. 341 of 2022 dated 12.09.2024. That apart, this writ petition is also liable to be dismissed on the grounds of laches.

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7. Therefore, this writ petition is dismissed on the above terms. Consequently, connected writ miscellaneous petitions are closed.

27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RNA

To

The learned Additional Labour Court, Coimbatore.

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C.SARAVANAN, J.

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