



WEB COPY

WP Nos.10781, 10792 & 10800 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP Nos.10781, 10792 and 10800 of 2026

and

WMP Nos.11707, 11724 & 11731 of 2026

The Assistant Director,
Department of Sericulture,
Cornwall Road,
Sims Park,
Coonoor-643 101

..Petitioner

in all WPs.

Vs

1.Nayagam

2.The Deputy Commissioner of Labour,
(Under The Payment of Gratuity Act,1972)
Erode-9.

... Respondents

in WP No.10781 of 2026

1. Tamilselvi
D/o.Kousalya (Deceased),
Door No.169A,Krishnapuram,
Coonoor,Nilgiris District.
2. Lathakumar,
D/o.Kousalya (Deceased),
Door No.169A,Krishnapuram,



Coonoor, Nilgiris District.

3. Sujatha,
D/o.Kousalya (Deceased),
Door No.169A, Krishnapuram,
Coonoor, Nilgiris District.

4. The Deputy Commissioner of Labour,
(Under The Payment Of Gratuity Act, 1972)
Erode.

..Respondents in

WP No.10792 of 2026

1.Megala Muthu Krishnan
D/o.Gajalakshmi (Deceased)
Door No.6/261, B2, Annai Therasa Nagar
Aruvangadu-643 202

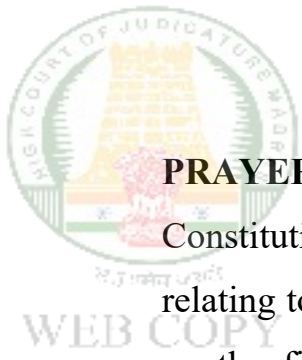
2.Meganathan
S/o.Gajalakshmi (Deceased)
Door No.6/261, B2, Annai Therasa Nagar
Aruvangadu-643 202

3.The Deputy Commissioner of Labour,
(Under The Payment Of Gratuity Act, 1972)
Erode.

...Respondents in

W.P No.10800 of 2026

PRAYER in 10781 of 2026: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 24.02.2025 passed in G.A.No.798 of 2022 on the file of the Deputy Commissioner of Labour, under the Payment of Gratuity Act, 1972 Erode and quash the same as being illegal and without jurisdiction.



PRAYER in 10792 of 2026: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 24.02.2025 passed in G.A.No.808 of 2022 on the file of the Deputy Commissioner of Labour, under the Payment of Gratuity Act, 1972 Erode and quash the same as being illegal and without jurisdiction.

PRAYER in 10800 of 2026: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 24.02.2025 passed in G.A.No.809 of 2022 on the file of the Deputy Commissioner of Labour, under the Payment of Gratuity Act, 1972 Erode and quash the same as being illegal and without jurisdiction.

For Petitioner: Mr.M.Suresh Kumar,
Additional Advocate General
Assisted by Ms.V.Yamunadevi
Special Government Pleader

For 2nd Respondent in Mr.S.Rajesh
W.P No.10781 of Government Advocate
2026, 3rd respondent
in W.P No.10800 of
2026 and 4th
respondent in W.P
No.10792 of 2026 :

For R1 in W.P.10781/2026 : Notice dispensed with

For R1 to R3 in W.P.10792/2026

For R1 & R2 in W.P.10800/2026

**COMMON ORDER**

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These three writ petitions have been filed challenging the impugned order dated 24.02.2025 passed by the Deputy Commissioner of Labour, Erode.

2.The case of the petitioner is that Tmt.Nayagam, Tmt.Kousalya (deceased) and Tmt.Gajalakshmi (deceased) were employed as Farm Workers in the Department of Sericulture. The said Kousalya and Gajalakshmi expired on 28.08.2021 and 05.04.2021, respectively and their legal heirs were brought on record as legal representatives in G.A Nos.798, 808 & 809 of 2022, seeking payment of gratuity along with interest. The first respondent in W.P No.10781 of 2026, namely Nayagam, claimed that she had rendered continuous service for a period of 48 years from 1965 and retired on 30.06.2013. The said Gajalakshmi claimed that she had rendered service for 35 years from March 1981 and retired on 30.06.2016; however, during the pendency of her gratuity proceedings, she passed away on 05.04.2021. Likewise, Tmt.Kousalya claimed that she had rendered service for 34 years from February 1982 and retired on 30.06.2017; she also died during the pendency of her gratuity proceedings on 28.05.2021. It is further stated that all the aforesaid employees last drew a monthly salary of Rs.8500/-. The said gratuity applications were adjudicated by the Deputy Labour Commissioner, Erode, who, by order dated 24.02.2025,



directed the petitioner herein to pay the gratuity amounts due to the employees together with interest at the rate of 10% interest per annum, in terms of Section 7(3A) of the Payment of Gratuity Act and Central G.O No. S.O.874, from the date on which the gratuity became payable till the date of actual disbursement. The aforesaid employees had not worked continuously and were not regularised in the special time scale of pay. Therefore, the sanction of gratuity is not applicable to them, and they cannot claim parity with permanent employees, as they were engaged only on a daily wage basis. Challenging the aforesaid order, the present writ petitions have been filed.

3.The learned Additional Advocate General appearing for the petitioner submitted that, though an effective alternate remedy by way of appeal is available under Section 7(7) of the Act against the order passed under Section 7(3) of the Act, the prescribed period of 60 days, along with the further condonable period of 60 days, has expired. Therefore, the present writ petitions have been filed challenging the order passed by the Gratuity Authority. He further submitted that in order to prove the employer-employee relationship, the respective employees have to demonstrate before the Deputy Labour Commissioner, Erode, (who is the second Respondent in W.P No.10781 of 2026, the third respondent in W.P No.10800 of 2026 and the fourth respondent in W.P No.10792 of 2025), that they had continued in employment for 240



days in a calendar year, as required under Section 2(A) of the Act. However, the same was not established before the the Deputy Labour Commissioner, Erode.

Even then, the the Deputy Labour Commissioner, Erode passed the order in their favour which is not sustainable. On this sole ground, the present writ petitions have been filed.

4.Since no adverse order has been passed against the 1st respondent in W.P No.10781, respondents 1 to 3 in W.P No.10792 of 2026 and respondents 1 & 2 in W.P No.10800 of 2026, notice to them is dispensed with.

5.Heard the learned counsel appearing on either side and perused the materials available on records.

6.The facts of the present case are not in dispute. Admittedly, the employees, namely, Nayagam, Gajalakshmi and Kousalya, who were employed under the petitioner Department, filed claim petitions filed before the Deputy Labour Commissioner, Erode stating that they had been in employment for more than 48 years, 35 years and 34 years respectively, and received a sum of Rs.8500/- as wages. They retired from service on 30.06.2013, 30.06,2016 and 30.06.2017 respectively. Subsequently, Gajalakshmi died on 05.04.2021 and



Kousalya died on 28.08.2021. Since the aforesaid employees had been in service for more than 30 years, the gratuity amount payable to them was not disbursed. Hence, they preferred claim petitions before the Deputy Labour Commissioner, Erode under Section 7 of the Act. On behalf of the employees, the first respondent in W.P No.10781 of 2026, namely, Nayagam, was examined as PW1, and Ex.P1 to Ex.P15 were marked. On behalf of the petitioner, no witness was examined and no document was produced. The petitioner did not dispute the employer-employee relationship and admitted that the employees were engaged on daily wages, but merely denied continuous service of 240 days. Except for such a bald denial, no material was placed before the Deputy Labour Commissioner, Erode. In such circumstances, the Deputy Labour Commissioner, Erode rightly passed orders in favour of the employees. Such a meritorious order cannot be interfered with. Further, as no appeal lies beyond the prescribed period of limitation before the appellate authority and since the present writ petitions have been filed after a delay of 120 days, the same are not maintainable. Hence the prayer sought for by the petitioner cannot be granted.



7. Accordingly, these three writ petitions are dismissed. There shall be no order as to costs. However, the petitioner is directed to pay the gratuity and other attendant benefits to the first respondent in W.P No.10781 of 2026. namely ,Nayagam; to respondents 1 to 3, being the legal heirs of the deceased Kousalya, in W.P No.10792 of 2026; and to respondents 1 and 2, being the legal heirs of the deceased Gajalakshmi, in W.P No.10800 of 2026, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

23-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma

To

1. The Deputy Commissioner Of Labour,
(Under The Payment Of Gratuity Act,1972)
Erode.



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WP Nos.10781, 10792 & 10800 of 2



M.DHANDAPANI, J.

Uma

**WP Nos.10781, 10792 and 10800 of 2026
and WMP Nos.11707, 11724 & 11731 of 2026**

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