



W.P.(MD)No.10163 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.10163 of 2026

The Management,
By its General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road, Madurai - 625 016. ... Petitioner

vs.

1.The Appellate Authority under Payment of Gratuity Act,
The Additional Commissioner of Labour,
Office of the Additional Commissioner of Labour,
Madurai.

2.The Deputy Commissioner of Labour,
Controlling Authority Under Payment of Gratuity Act,
Office of the Deputy Commissioner of Labour,
Madurai.

3.R. Karuppiah ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent vide proceedings in O.Mu.No.E/2053/2024, dated 22.10.2024 and the impugned order passed by the 2nd respondent in PG 52/2021 dated 31.07.2023 and quash the both as illegal.

1/7



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W.P.(MD)No.10163 of 2026

For Petitioner :Mr.S.Gladson Michael Rajadurai
For R1 and R2 :Mr.M.Mahaboob Athiff
Government Advocate
For R3 :No appearance

ORDER

The petitioner challenges the order dated 22.10.2024 passed by the first respondent and the order dated 31.07.2023 passed by the second respondent.

2.By the order dated 31.07.2023 passed under Section 7A of the Payment of Gratuity Act, 1972, the petitioner-management was directed to pay a sum of Rs.2,67,912/-. Aggrieved by the said order, the petitioner preferred an appeal under Section 7(7) of the Act before the appellate authority. The appeal was accompanied by an application seeking condonation of a delay of 447 days in filing the appeal.

3.Section 7(7) of the Payment of Gratuity Act, 1972, prescribes a period of 60 days for filing an appeal from the date of receipt of the order. The proviso thereto empowers the appellate authority to condone a



W.P.(MD)No.10163 of 2026

further delay of 60 days. Since the delay in the present case exceeded the maximum period that could be condoned under the statute, the appellate authority dismissed the appeal as not maintainable.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.The petitioner, a State Transport Corporation, contends that it has already paid the gratuity amount legally due to the third respondent-workman and, therefore, is not liable to pay the differential gratuity amount determined by the second respondent.

6.In the present case, the delay in filing the appeal is admittedly 447 days. Therefore, the first respondent was justified in holding that it lacked jurisdiction to condone the delay beyond the statutory limit prescribed under Section 7(7) of the Act. The impugned order of the first respondent, insofar as it declines to condone the delay on the ground of lack of statutory power, cannot be faulted.



W.P.(MD)No.10163 of 2026

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7.However, the matter does not end there. The petitioner is a State Transport Corporation and contends that the gratuity amount legally payable to the third respondent-workman has already been paid and that the determination made by the second respondent fastening further liability is contrary to law. According to the petitioner, unless an opportunity is granted to challenge the said determination before the appellate authority, serious prejudice would be caused to the petitioner.

8.It is well settled that while a statutory appellate authority is bound by the limitations imposed by the statute and cannot condone delay beyond the period expressly permitted by law, the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India remains unaffected. In appropriate cases, where the interests of justice so require and where refusal to interfere would result in manifest injustice, this Court may exercise its constitutional jurisdiction notwithstanding the statutory limitation applicable to the appellate authority.

9.Having regard to the facts and circumstances of the present case, the nature of the dispute involved, the contention of the petitioner that



W.P.(MD)No.10163 of 2026

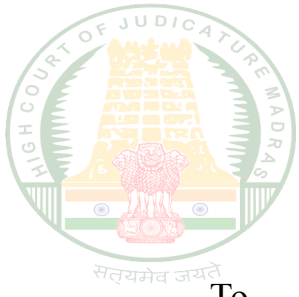
the gratuity liability has already been discharged, and in order to ensure that the matter is adjudicated on merits, this Court is of the considered view that the petitioner should be afforded an opportunity to prosecute the statutory appeal. Such a course would subserve the ends of justice and enable the appellate authority to examine the correctness of the order passed by the second respondent on its merits.

10. Accordingly, the writ petition is allowed in part and the impugned order dated 22.10.2024 passed by the first respondent is set aside. The matter is remanded to the first respondent for fresh consideration. The first respondent shall entertain the petitioner's appeal, without reference to the question of limitation, and dispose of the same on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the third respondent, within a period of two months from the date of receipt of a copy of this order.

11. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
cmr

05.06.2026



W.P.(MD)No.10163 of 2026

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W.P.(MD)No.10163 of 2026

HEMANT CHANDANGOUDAR, J.

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W.P.(MD)No.10163 of 2026

05.06.2026