



W.P.(MD)No.14746 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.14746 of 2026

and

W.M.P.(MD)No.11091 of 2026

The Management,
Tamil Nadu State Transport Corporation,
Tirunelveli Region, Tirunelveli.

... Petitioner

vs.

1.The Additional Commissioner of Labour,
The Appellate Authority Under Payment of Gratuity Act, 1972,
Madurai.

2.The Deputy Commissioner of Labour,
The Controlling Authority Under
Payment of Gratuity Act 1972,
Tirunelveli.

3. M.Thanumurthy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 2nd respondent in PG No.34 of 2017, dated 28.04.2023 and quash the same.



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For Petitioner :Mr.P.F.Ferlin Castro
For R1 and R2 :Mr.M.Mahaboob Athiff
Government Advocate

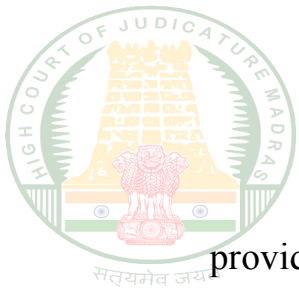
ORDER

Heard Mr. P.F. Ferlin Castro, learned counsel appearing for the petitioner, and Mr. M. Mahaboob Athiff, learned Government Advocate, who accepts notice on behalf of respondents 1 and 2.

2.The petitioner challenges the order dated 28.04.2023 passed by the second respondent, whereby the qualifying service of the third respondent for the purpose of payment of gratuity was reckoned as 35 years.

3.According to the petitioner, the third respondent is entitled to gratuity only by taking the qualifying service as 20 years and not 35 years as determined by the second respondent.

4.Against an order passed under Section 7 of the Payment of Gratuity Act , an effective and efficacious statutory remedy of appeal is



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provided under Rule 10 of the Payment of Gratuity (Central) Rules, 1972. Rule 10 further prescribes that such an appeal shall be filed within sixty (60) days from the date of receipt of the order. The Regional Labour Commissioner (Central) has been notified as the Appellate Authority for the purpose of entertaining such appeals. Therefore, this Court is of the view that the writ petition, filed without exhausting the statutory remedy available under the Rules, is not maintainable.

5.At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner has already partly complied with the impugned order as regards admitted liability and seeks liberty to challenge the impugned order before the Appellate Authority, limited to the issue relating to the determination of the third respondent's qualifying service as 35 years for the purpose of gratuity.

6.In view of the above submission, the writ petition is disposed of, preserving liberty to the petitioner to file an appeal under Rule 10 of the Payment of Gratuity (Central) Rules, 1972. If such an appeal is filed within a period of four (4) weeks from the date of receipt of a copy of



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this order, the Appellate Authority shall entertain the same and consider it on its own merits and in accordance with law, without rejecting it on the ground of limitation.

7. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

04.06.2026

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HEMANT CHANDANGOUDAR, J.

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