



W.A(MD)No.1153 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A(MD)Nos.1153, 1220, 1227 & 1341 of 2023

W.A(MD)No.1153 of 2023:

V.Vellaiappan

... Appellant /
2nd Respondent

Vs.

1.The Superintending Engineer,
Karur Electricity Distribution Circle,
Tamil Nadu Electricity Board (TNEB),
(Tamil Nadu Generation and
Distribution Corporation),
Karur - 639 002.

2.The Chief Engineer / Distribution,
Tamil Nadu General and
Distribution Corporation (TANGEDCO),
Trichy Region,
Thennur, Trichy.

... Respondents 1 & 2/
Petitioners

3.The Assistant Commissioner of Labour,
(Controlling Authority Under Payment
of Gratuity Act, 1972),
Dindigul.

... 3rd Respondent /
1st Respondent



W.A(MD)No.1153 of 2023

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order in W.P(MD)No.5134 of 2020 dated 30.01.2023 by allowing this Writ Appeal.

For Appellant : Mr.A.Haja Mohideen

For Respondents : Ms.P.Malini
for M/s.Agam Legal
for R.1 & R.2

Mr.T.Amjad Khan
Government Advocate for R.3

W.A(MD)No.1220 of 2023:

- 1.P.Ramakrishnan
- 2.S.Jeyapapaul Singh
- 3.P.Venugopalan
- 4.A.Subramanian
- 5.SU.Namachivayan
- 6.G.Navamani
- 7.V.Sethuraman
- 8.K.Ramu
- 9.K.Chelliah
- 10.M.Lakshmi

... Appellants /
Petitioners 1 to 5, 7, 8,
13, 14 & 15

Vs.

- 1.The State represented by
The Secretary to the Government,
Labour and Employment Department,
Fort St.George,
Chennai – 9.



W.A(MD)No.1153 of 2023

WEB COPY

2. The Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai – 6.
3. Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO), Formerly TNEB,
Rep by its Chairman / Director,
144, Anna Salai,
Chennai – 600 002.
4. Tamil Nadu Electricity Board (TNEB),
Presently Known as Tamil Nadu Generation
and Distribution Corporation Limited (TANGEDCO),
Rep by its Secretary,
144 Anna Salai,
Chennai – 600 002.
5. The Deputy Commissioner of Labour,
Authority Under the Payment of Gratuity Act,
Combined Labour Court Complex,
Bharathi Ula Salai,
Race Course Salai,
Madurai – 625 002.
6. The Additional Commissioner of Labour,
Appellate Authority Under the Payment of Gratuity Act,
1st Floor, Tamil Nadu Housing Board,
Ellis Nagar,
Madurai – 625 001.
7. The Deputy Commissioner of Labour,
The Controlling Authority
Under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour,
Sengulum Colony,
Tiruchirappalli – 620 020.
8. The Joint Commissioner of Labour,
The Appellate Authority



W.A(MD)No.1153 of 2023

WEB COPY

Under the Payment of Gratuity Act,
Sengulum Colony,
Tiruchirappalli – 620 020.

9.The Deputy Commissioner of Labour,
The Controlling Authority
Under the Payment of Gratuity Act,
Dindigul Collector Office,
Chettinaickenpatti,
Dindigul – 624 004.

10.The Deputy Commissioner of Labour - Tirunelveli,
The Controlling Authority
Under the Payment of Gratuity Act,
Combined Labour Department Office Buildings,
Opposite to All India Radio,
Konam, Nagercoil,
Kanyakumari District.

... Respondents 1 to 10 /
Respondents 1 to 10

11.M.Selvaraj

12.V.Chandran

13.R.Rajamani

14.D.Vellaiammal

15.P.Palammal

... Respondents 11 to 15 /
Writ Petitioners 6, 9 to 12

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order in W.P(MD)No.859 of 2022 dated 30.01.2023 by allowing this Writ Appeal.

For Appellants : Mr.A.Haja Mohideen



WEB COPY



W.A(MD)No.1153 of 2023

For Respondents : Mr.T.Amjad Khan
Government Advocate
for R.1, R.2, R.5 to R.10

Ms.P.Malini
for M/s.Agam Legal
for R.3 & R.4

W.A(MD)No.1227 of 2023:

- 1.R.Muthuirulandi
- 2.G.Krishnan
- 3.R.Karunanithi
- 4.D.Martin Deborus
- 5.M.Dakhsnamoorthy
- 6.S.Emalda
- 7.C.Elongovan
- 8.K.Subramanian
- 9.S.Jesudasan
- 10.M.Sudalai
- 11.P.Kannan
- 12.K.Murugan
- 13.M.Muthukrishnan
- 14.R.Hariharan
- 15.K.Vadivel
- 16.N.Shunmugavelu
- 17.M.Ganthi
- 18.R.Ganthi
- 19.G.Kannan
- 20.R.Lakshmanan
- 21.L.Krishnan
- 22.R.Saivadurai
- 23.P.Ganesan
- 24.S.Jeyaprakash
- 25.R.Dinakaran
- 26.K.Uthiran
- 27.M.Govindarajan



W.A(MD)No.1153 of 2023

28.S.Sarathamani Devi

... Appellants /
Petitioners 1, 3, 16, 20 to 23,
26, 28 to 30 & 32 to 48

WEB COPY

Vs.

- 1.The State represented by
The Secretary to the Government,
Labour and Employment Department,
Fort St.George,
Chennai – 9.
- 2.The Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai – 6.
- 3.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO), Formerly TNEB,
Rep by its Chairman / Director,
144, Anna Salai,
Chennai – 600 002.
- 4.Tamil Nadu Electricity Board (TNEB),
Presently Known as Tamil Nadu Generation
and Distribution Corporation Limited (TANGEDCO),
Rep by its Secretary,
144, Anna Salai,
Chennai – 600 002.
- 5.The Deputy Commissioner of Labour,
Authority Under the Payment of Gratuity Act,
Combined Labour Court Complex,
Bharathi Ula Salai,
Race Course Salai,
Madurai – 625 002.
- 6.The Additional Commissioner of Labour,
Appellate Authority under the Payment of Gratuity Act,
1st Floor, Tamil Nadu Housing Board,



W.A(MD)No.1153 of 2023

Ellis Nagar,
Madurai – 625 001.

WEB COPY

7.The Deputy Commissioner of Labour,
The Controlling Authority
under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour,
Sengulum Colony,
Tiruchirappalli – 620 020.

8.The Joint Commissioner of Labour,
The Appellate Authority
under the Payment of Gratuity Act,
Sengulum Colony,
Tiruchirappalli – 620 020.

9.The Deputy Commissioner of Labour,
The Controlling Authority
under the Payment of Gratuity Act,
Dindigul Collector Office,
Chettinaickenpatti,
Dindigul – 624 004.

10.The Deputy Commissioner of Labour - Tirunelveli,
The Controlling Authority
Under the Payment of Gratuity Act,
Combined Labour Department Office Buildings,
Opposite to All India Radio,
Konam, Nagercoil,
Kanyakumari District.

... Respondents 1 to 10 /
Respondents 1 to 10

11.K.Chinnathal

12.S.Ayyam Perumal

13.P.Jesurai

14.M.A.Abdul Jabbar



W.A(MD)No.1153 of 2023

15.C.Rajan

16.P.Kolappa Pillai

17.P.Ganesan

18.A.Soloman Edwin

19.S.Mutham Perumal

20.E.Gombal

21.R.Pitchai

22.M.Rajagopal

23.A.Muthu

24.T.Pakkirisamy

25.A.John Napoleon

26.R.Perumal

27.S.Ramasamy

28.K.Rajendran

29.K.Poonusamy

30.R.Ramar

... Respondents 11 to 29 /
Writ Petitioners 2, 4 to 15,
17 to 19, 24, 25, 27 & 31

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order in W.P(MD)No.21093 of 2021 dated 30.01.2023 by allowing this Writ Appeal.



WEB COPY



W.A(MD)No.1153 of 2023

For Appellants : Mr.A.Haja Mohideen

For Respondents : Mr.T.Amjad Khan
Government Advocate
for R.1, R.2, R.5 to R.10

Ms.P.Malini
for M/s.Agam Legal
for R.3 & R.4

W.A(MD)No.1341 of 2023:

- 1.V.Vellaiappan
- 2.K.Rajacholan
- 3.S.Dhanapal
- 4.R.Santhanakrishnan
- 5.T.Ramu
- 6.P.Ramanujam
- 7.S.Susairaj
- 8.M.Vaiyapuri
- 9.P.Balasundram
- 10.M.Subramanian
- 11.P.Anbalagan
- 12.C.Vincent Cardoge
- 13.T.Devasahayam
- 14.A.Picthai
- 15.K.Antonyraj
- 16.A.Solaman
- 17.G.Pappaiah
- 18.R.Sethu
- 19.M.Maheswari
- 20.S.Rethinam
- 21.R.Jayaraj
- 22.S.Velayutham
- 23.G.Srinivasan
- 24.M.Karunanidhi
- 25.G.Pandian
- 26.V.Ayyyavoo



W.A(MD)No.1153 of 2023

- 27.S.Nagan
- 28.A.Ayyasamy
- 29.S.Nagarajan
- 30.U.Krishnan
- 31.A.Damullalam
- 32.K.Gandhi
- 33.M.Govindan
- 34.K.Nagasamy
- 35.M.Manikkam
- 36.R.Mahalingam
- 37.M.Chinnathambi
- 38.K.Sathaia
- 39.P.K.Karuppaiah
- 40.C.Muthusamy
- 41.K.Muthuramalingam
- 42.N.Angusamy
- 43.C.Ganesan
- 44.R.Muthukrishnan
- 45.N.Ganesan
- 46.R.Sekaran
- 47.M.Ganesan
- 48.S.Soundaram
- 49.N.Ragavan
- 50.R.Gananshanmugam
- 51.R.Ambigai Sundaram
- 52.V.Gowri
- 53.B.Balu
- 54.M.Sumathi
- 55.V.Mariammal
- 56.V.Sethuraman
- 57.M.Abdul Hameed
- 58.M.Natrajan
- 59.P.Kuppusamy
- 60.K.Palani
- 61.V.Thiruvettai
- 62.P.R.Suriya Kumar
- 63.S.Thangapandi
- 64.V.Ganesan
- 65.S.Velusamy



W.A(MD)No.1153 of 2023

66.P.Chinnamuthu

... Appellants /

Petitioners 1, 2, 11, 13 to 15,
17, 18, 20 to 30, 32, 33, 35,
36, 49 to 56, 58, 60, 61, 63 to
67, 69, 70, 72 to 79, 82, 85 to
94, 97, 99, 101, 107, 110 &
111

Vs.

- 1.The State represented by
The Secretary to the Government,
Labour and Employment Department,
Fort St.George,
Chennai – 9.
- 2.The Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai – 6.
- 3.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO), Formerly TNEB,
Rep by its Chairman / Director,
144, Anna Salai,
Chennai – 600 002.
- 4.Tamil Nadu Electricity Board (TNEB),
Presently Known as Tamil Nadu Generation
and Distribution Corporation Limited (TANGEDCO),
Rep by its Secretary,
144, Anna Salai,
Chennai – 600 002.
- 5.The Deputy Commissioner of Labour,
Authority Under the Payment of Gratuity Act,
Combined Labour Court Complex,
Bharathi Ula Salai,
Race Course Salai,
Madurai – 625 002.



W.A(MD)No.1153 of 2023

6.The Additional Commissioner of Labour,
Appellate Authority under the Payment of Gratuity Act,
1st Floor, Tamil Nadu Housing Board,
Ellis Nagar,
Madurai – 625 001.

7.The Deputy Commissioner of Labour,
The Controlling Authority
under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour,
Sengulum Colony,
Tiruchirappalli – 620 020.

8.The Joint Commissioner of Labour,
The Appellate Authority
under the Payment of Gratuity Act,
Sengulum Colony,
Tiruchirappalli – 620 020.

9.The Deputy Commissioner of Labour,
The Controlling Authority
under the Payment of Gratuity Act,
Dindigul Collector Office,
Chettinaickenpatti,
Dindigul – 624 004.

10.The Deputy Commissioner of Labour - Tirunelveli,
The Controlling Authority
Under the Payment of Gratuity Act,
Combined Labour Department Office Buildings,
Opposite to All India Radio,
Konam, Nagercoil,
Kanyakumari District.

... Respondents 1 to 10 /
Respondents

11.K.Marappan

12.V.Krishnan



W.A(MD)No.1153 of 2023

13.P.Nagappan

14.A.Subramanian

15.M.Dhanapackiyam

16.T.Kuppan

17.M.Duraimanickkam

18.M.Chinnan

19.G.Kathirvel

20.A.Ganeshan

21.R.Muthiyan

22.P.Murugaesan

23.M.Thangavel

24.D.Jaganathan

25.P.Marimuthu

26.R.Jayaraman

27.R.Gurusami

28.P.Balachandran

29.R.Arusamy

30.V.Palaniyappan

31.K.Durgaiyandi

32.N.Arasuappan



W.A(MD)No.1153 of 2023

33.N.Petchimuthu

34.N.Balan

35.K.Thangaraju

36.S.Sundramurthi

37.K.Gandhi

38.R.Loganathan

39.K.Karuppiah

40.S.Sabasthian

41.N.Solapandiyan

42.M.Rajendran

43.M.Angusamy

44.S.Murugesan

45.S.Sudarsan

46.E.Gangaiyan

47.P.Ramasamy

48.R.R.Govindraj

49.P.Valli

50.S.Nargisjan

51.G.Saroja

52.S.Arumugam



W.A(MD)No.1153 of 2023

53.V.Murugandi

54.V.V.Kannan

55.P.Raman

... Respondents 11 to 55 /
Writ Petitioners 3 to 10,
12, 16, 19, 31, 34, 37 to 48,
57, 59, 62, 68, 71, 80, 81,
83, 84, 95, 96, 98, 100,
102 to 106, 108 & 109

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order in W.P(MD)No.17828 of 2021 dated 30.01.2023 by allowing this Writ Appeal.

For Appellants : Mr.A.Haja Mohideen

For Respondents : Mr.T.Amjad Khan
Government Advocate
for R.1, R.2, R.5 to R.10

Ms.P.Malini
for M/s.Agam Legal
for R.3 & R.4

COMMON JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.



W.A(MD)No.1153 of 2023

WEB COPY 2.The appellants herein were employees of TANGEDCO.

Contending that their gratuity claims were not honoured, they filed applications before the controlling authority under the Payment of Gratuity Act, 1972. Awards were passed in their favour. Challenging the same, TANGEDCO filed writ petitions before this Court. The learned single Judge vide order dated 30.01.2023 set aside the order passed by the controlling authority and allowed the writ petitions. Assailing the same, these writ appeals have been filed.

3.Paragraphs 6, 8, 9 and 10 of the order of the learned single Judge read as follows:

“6. As per the power available under Section 5 of the Act, the State Government has issued G.O.(Ms.).No. 699, Labour and Employment Department, dated 16.03.1983, exempting from the application of Payment of Gratuity Act to the respondent Corporation and the same was confirmed by the Division Bench of this Court in W.A.No.75 of 2018. The Division Bench of this Court, vide order dated 27.09.2018, set aside the order passed by the learned single Judge and confirmed the exemption granted to the respondent Corporation and the decision of the Apex Court relied on by the learned



counsel for the petitioners is not applicable to the case on hand. Hence, he prayed for appropriate orders.

7. ...

8. The issue arises in the present writ petitions is whether the person, who receiving the pension, is entitled for gratuity or not. For better appreciation, Section 5 of the said Act reads as follows:

Power to exempt “(1) *The appropriate Government may, by notification, and subject to such conditions as may be specified in the notification, exempt any establishment, factory, mine, oilfield, plantation, port, railway company or shop to which this Act applies from the operation of the provisions of this Act if, in the opinion of the appropriate Government, the employees in such establishment, factory, mine, oilfield, plantation, port, railway company or shop are in receipt of gratuity or pensionary benefits not less favourable than the benefits conferred under this Act.*

(2) The appropriate Government may, by notification and subject to such conditions as may be specified in the notification, exempt any employee or class of employees employed in any establishment, factory, mine, oilfield, plantation, port, railway company or shop to which this Act applies from the operation of the provisions of this Act, if, in the opinion of the appropriate Government, such employee or class of employees are in receipt of gratuity or pensionary



W.A(MD)No.1153 of 2023

benefits not less favourable than the benefits conferred under this Act.

(3) A notification issued under sub-section (1) or sub-section (2) may be issued retrospectively a date not earlier than the date of commencement of this Act, but no such notification shall be issued so as to prejudicially affect the interests of any person. ”

9. A perusal of Section 5 of the Act reveals that the State Government have power to exempt any establishment or any employee for getting gratuity amount, if they received gratuity or pensionary benefits not less than the benefits conferred under this Act. Admittedly, the petitioners are the retired employees of the respondent Corporation and they are also pensioners and already they were paid the death cum retirement gratuity under the Pension Scheme. Apart from that, they have made applications before the Gratuity authority claiming gratuity amount under the Payment of Gratuity Act, 1972. The learned single Judge has allowed the writ petition in W.P.(MD).No. 33704 of 2002 filed by the employee of the respondent Corporation claiming gratuity amount under the Act 1972. However, the same was challenged before the Division Bench of this Court and the Division Bench of this Court has set aside the order and held in favour of the respondent Board. Equally, it is also undisputed that the State Government granted exemption to the



W.A(MD)No.1153 of 2023

respondent Corporation from application of the Act vide G.O.(Ms.).No.699, Labour and Employment Department dated 16.03.1983. Further, this Court has perused the order of learned single Judge and the learned single Judge order was modified by the Division Bench of this Court. Hence, as a judicial discipline, this measure was followed by the Division Bench of this Court and not carrying the Apex Court decision. In the Apex Court decision, the establishment, who was arrayed as a party before the Apex Court, was not exempted from payment of gratuity. However, in the present cases, exemption was granted to the respondent Corporation from payment of gratuity in respect of the person, who receiving pension from the respondent Corporation.

10. In view of the above, the writ petition in W.P. (MD).No.5134 of 2020 filed by the respondent Corporation is allowed and the other writ petitions in W.P.(MD).Nos.859 of 2022, 17828 of 2021 and 21093 of 2021 filed by the employees of the Corporation are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.”

4. We do not find any error in the approach adopted by the learned single Judge. The Government had specifically exempted the corporation from the applicability of the said Act. Therefore, the



W.A(MD)No.1153 of 2023

controlling authority lacked the jurisdiction to entertain the claim of the employees of TANGEDCO. There is no merit in these writ appeals.

5.These Writ Appeals stand dismissed. No costs.

[G.R.S., J.] [R.P, J.]
10.03.2026

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

To

- 1.The Secretary to the Government,
Labour and Employment Department,
Fort St.George, Chennai – 9.
- 2.The Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai – 6.
- 3.The Chairman / Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO), Formerly TNEB,
144, Anna Salai, Chennai – 600 002.
- 4.The Secretary,
Tamil Nadu Electricity Board (TNEB),
Presently Known as Tamil Nadu Generation
and Distribution Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai – 600 002.

20/22



W.A(MD)No.1153 of 2023

WEB COPY

5. The Deputy Commissioner of Labour,
Authority Under the Payment of Gratuity Act,
Combined Labour Court Complex,
Bharathi Ula Salai,
Race Course Salai,
Madurai – 625 002.
6. The Additional Commissioner of Labour,
Appellate Authority under the Payment of Gratuity Act,
1st Floor, Tamil Nadu Housing Board,
Ellis Nagar, Madurai – 625 001.
7. The Deputy Commissioner of Labour,
The Controlling Authority
under the Payment of Gratuity Act,
Office of Joint Commissioner of Labour,
Sengulum Colony,
Tiruchirappalli – 620 020.
8. The Joint Commissioner of Labour,
The Appellate Authority
under the Payment of Gratuity Act,
Sengulum Colony,
Tiruchirappalli – 620 020.
9. The Deputy Commissioner of Labour,
The Controlling Authority
under the Payment of Gratuity Act,
Dindigul Collector Office,
Chettinaickenpatti,
Dindigul – 624 004.
10. The Deputy Commissioner of Labour - Tirunelveli,
The Controlling Authority
Under the Payment of Gratuity Act,
Combined Labour Department Office Buildings,
Opposite to All India Radio,
Konam, Nagercoil,
Kanyakumari District.



WEB COPY



W.A(MD)No.1153 of 2023

G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

MGA

W.A(MD)No.1153 of 2023

10.03.2026