

The General Manager, Vs The Appellate Authority

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Court : Chennai

Decided On : Jun-30-2026

Judge : Honourable Mr Justice M.Dhandapani

Appeal No. : WP(MD)/18248/2026

Appellant : The General Manager,

Respondent : The Appellate Authority

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:
30.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI and
W.M.P(MD)No.13505 of 2026 The General Manager, Tamil Nadu State
Transport Corporation, Dindigul Region, Tirchy By-Pass Road, Dindigul -
624 001. ... Petitioner Vs 1.The Appellate Authority, Additional Labour
Commissioner, Tiruchirappalli. 2.The Controlling Authority, Deputy
Commissioner of Labour, Dindigul. 3.S.Nagasubramanian ...
Respondents PRAYER: Writ Petition filed under Article 226 of
Constitution of India, to issue a Writ of Certiorari calling for the records
on the file of the first respondent pertaining to its proceedings P.G.A.No.9

of 2025 dated 22.09.2025 and quash the same. For Petitioner : Mr.S.C.Herold Singh For Respondents : Ms.K.Shiva Shankari (R1 & R2) counsel for State

ORDER

Challenging the award dated 22.09.2025 passed by the first respondent in P.G.A.No. 9 of 2025, the petitioner has filed the present Writ Petition.

2.The learned counsel appearing for the petitioner submitted that the third respondent was an employee of the petitioner Corporation. Though he entered service as a daily-rated employee in the year 1981, he was regularised only in the year 1984. Thereafter, he retired from service on 30.06.2018 after rendering 36 years, 6 months and 14 days of service. Following his retirement, the third respondent filed an application before the

Original Authority under the provisions of the Payment of Gratuity Act claiming balance gratuity. The Original Authority, by its order, directed the petitioner Corporation to pay a sum of Rs.77,966/- towards the balance gratuity payable to the third respondent. Aggrieved by the said order, the petitioner Corporation preferred an appeal before the Appellate Authority in P.G.A.No. 9 of 2025. By order dated 22.09.2025, the Appellate Authority confirmed the order of the Original Authority. Challenging the said order, the present Writ Petition has been filed.

3.The learned counsel for the petitioner further submitted that, in terms of the Settlement entered into under Section 18(1) of the Industrial Disputes Act, dated 13.11.1986, only those employees who were in service as on 01.04.1984 are entitled to claim the benefits contemplated thereunder. According to the learned counsel, employees who had worked on a temporary basis prior to the said date are not entitled to claim any benefit other than those specifically admissible to them. It is contended that both

the Original Authority and the Appellate Authority failed to properly appreciate

the terms of the Section 18(1) Settlement and erroneously granted the benefit in favour of the third respondent. Accordingly, he prayed for interference with the impugned order. 4.This Court has considered the submissions made by the learned counsel for the petitioner and perused the materials available on record. 5.The facts of the present case are not in dispute. It is admitted that the third respondent entered service as a temporary Bus Body Cleaner on 16.12.1981 and retired from service on 30.06.2018.

6.The grievance of the third respondent is that gratuity had been calculated only by taking into account 34 years of service, without reckoning the period from the date of his initial appointment. Therefore, he approached the gratuity authority seeking payment of the balance gratuity. Upon consideration of the records, the Original Authority held that the Settlement

under Section 18(1) of the Industrial Disputes Act was not binding on the gratuity authority while determining the qualifying service under the Payment of Gratuity Act. Taking into account the actual length of service rendered by the third respondent, the Original Authority found that he had rendered service for 36 years, 6 months and 14 days and accordingly directed payment of a sum of Rs.77,966/- towards the balance gratuity. The said finding was affirmed by the Appellate Authority.

7.Both the authorities, being fact-finding authorities, have concurrently recorded findings based on the evidence available on record. This Court, while exercising its jurisdiction under Article 226 of the Constitution of India, does not find any perversity or jurisdictional error warranting interference with the concurrent findings of fact recorded by the authorities below.

8.Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. 30.06.2026 NCC : Yes / No Index : Yes / No ps
To 1.The Appellate Authority, Additional Labour Commissioner, Tiruchirappalli.
2.The Controlling Authority, Deputy Commissioner of Labour, Dindigul.

M.DHANDAPANI, J.

ps 30.06.2026

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