



W.P(MD)No.6187 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.6187 of 2023

and

WMP (MD) No.5896 of 2023

The Management
Sri Vinayagamoorthy Primary
Agricultural Cooperative Credit Society,
Rep. by its President
Kulumani
Trichy District.

... Petitioner(s)

vs.

1. The Controlling Authority
under The Payment of Gratuity Act 1972/
Deputy Commissioner of Labour,
O/o. the Joint Commissioner of Labour,
Trichy.

2. K.Chelladurai

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the 1st respondent vide P.G.No. 87/2018 dated

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For Petitioner : Mr.Shanmugaraja Sethupathi
For R1 : Mr.M.Mahaboob Athiff, Counsel for State
For R2 : Mr.S.Arunachalam

ORDER

Challenging the order dated 01.10.2024 passed by the first respondent fixing the gratuity payable to the second respondent, the present writ petition has been filed by the petitioner.

2. The petitioner is a Primary Agricultural Cooperative Credit Society registered under the Tamil Nadu Cooperative Societies Act. In the petitioner Society, the second respondent was appointed as a Clerk in the year 1976. While he was working as Secretary in the petitioner Society, he committed various irregularities and acts of misconduct. Consequently, he was placed under suspension on 25.01.2007. After conducting a domestic enquiry, he was dismissed from service on 29.02.2008. Aggrieved by the same, the second respondent challenged the order of dismissal before the Appellate Authority of the Tamil



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3. The learned counsel appearing for the petitioner would submit that the second respondent himself, in the proceedings under Section 33-C(2) of the Industrial Disputes Act, declared that his last drawn salary at the time of termination was Rs.9,119/-. He had claimed back wages on the basis of a salary of Rs.17,367/-, whereas the Labour Court proceeded on the basis of the salary of Rs. 9,119/-. Contrary to the pleadings and the findings of the Labour Court, the first respondent fixed the last drawn salary at Rs.24,427/-, which is wholly unsustainable. Accordingly, learned counsel prayed for allowing the writ petition.

4. Per contra, the learned counsel appearing for the second respondent would submit that, in order to establish his last drawn salary, the second respondent marked Exs. A5 and A6 before the Labour Court relating to the revision of pay granted to the employees of the Cooperative Society. The enhancement of salary was also approved by the competent authority. Based on those documents, the first respondent rightly fixed the last drawn salary at Rs.24,427/- and calculated the gratuity payable for 38 years of qualifying service. Therefore, the factual findings rendered by the Controlling Authority do not warrant interference. Accordingly, he prayed for dismissal of the writ petition.

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

6. On going through the affidavit filed by the petitioner/Society, it is categorically averred that, though an appellate remedy was available under the provisions of the Payment of Gratuity Act, the petitioner/Society did not choose to file an appeal, since it is not disputing the second respondent's entitlement to gratuity. The petitioner/Society has questioned only the quantum of gratuity payable to the second respondent. A careful perusal of Exs.A5 and A6 makes it clear that the revision of pay was granted to the employees of the Cooperative Society, including the second respondent and that the enhancement of salary was also approved by the competent authority vide G.O.No.189, dated 17.11.2009. Based on those documents, the first respondent rightly fixed the last drawn salary at Rs.24,427/- and calculated the gratuity payable for 38 years of qualifying service. Therefore, the fixation of the last drawn salary for the purpose of calculating gratuity does not warrant interference by this Court.



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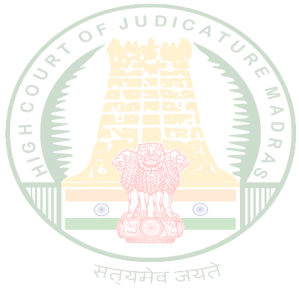
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7. Accordingly, this writ petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

07.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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M.DHANDAPANI,J.

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**ORDER MADE IN
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