



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD).Nos.19232 to 19234 of 2014

R.Govindaraj

... Petitioner in W.P.(MD).No.19232/2014

S.Pachaimuthu

... Petitioner in W.P.(MD).No.19233/2014

S.Madanagopal

... Petitioner in W.P.(MD).No.19234/2014

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Administration,
Nungambakkam High Road,
Chennai-600 006.

2.The Joint Commissioner,
Executive Officer,
Arulmigu Thandayuthapani Swami,
Thirukovil, Palani.

... Respondents in all WPs.

Writ Petitions filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to pay gratuity directly in favour of the petitioner as per the order dated 01.08.2014 passed in Civil Appeal Nos.4507-4508 of 2013.

For petitioners : All of them appeared in person

For R.1 : Mr.VR.Shanmuganathan
Additional Government Pleader

For R.2 : Mr.R.Murali for
Mr.K.Govindarjan

COMMON ORDER

Since the issue involved in all these Writ Petitions are one and the same, they are all taken up together and disposed of, by this common order.

<https://hcservices.ecourts.gov.in/hcservices/2151> the petitioners herein were the employees of the second respondent and they retired from respective service peacefully, without any blemish on record.



3. The grievance of the petitioners in these Writ Petitions is that the respondents have refused to pay the payment of gratuity to them. Therefore, they have made a detailed representation to the respondents to consider their request for payment of gratuity as per the Hon'ble Apex Court in Civil Appeal Nos.4507-4508 of 2013 dated 01.08.2014. Since the said representations have not been considered, they are before this Court.

4. All the petitioners are appeared in person and put forth their submissions.

5. Mr.K.Govindarajan, learned Counsel appearing for the second respondent is not able to get over the order of the Apex Court enclosed at Page No.5 of the typed set in the case of **Arulmighu Sankaranarayanaswamy Devasthanam**, dated **03.05.2013**. The relevant portion found in the said judgment is usefully extracted below:-

"Both the counsel for the appellants make a statement that in the meanwhile, the appellants will continue to make payments to the employees as per the Payment of Gratuity Act, 1972. The appellants will make payments to the employees as and when they retire and will not drive them to go to the Payment of Gratuity Authority."

6. One another order was passed in the case of **E.Gopal Vs P.Dhanapal and Others**, dated **01.08.2014** which is also reported in 2013 (3) CTC 689, makes the legal position clear that a direction was given to the concerned authority therein to make payments to the employees of the temple as per Payment of Gratuity Act, 1972.

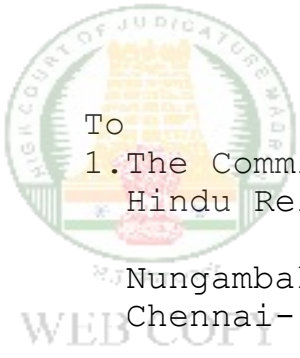
7. Since the issue involved in all these Writ Petitions is no more res integra and in the afore-said Civil Appeals, no interim order was passed in favour of the temple, the respondents are directed to pay the gratuity amount to all the petitioners herein, within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, all Writ Petitions stand allowed. Costs made easy.

Sd/-

Assistant Registrar(Crl.side)

/True copy/



To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Administration,
Nungambakkam High Road,
Chennai-600 006.

2.The Joint Commissioner,
Executive Officer,
Arulmigu Thandayuthapani Swami,
Thirukovil, Palani.

+3cc to Mr.B.TamilNidhi, Advocate SR.No.34258

ssm

sm:KBM:15.07.2016:2P/6C

W.P (MD) .Nos.19232 to 19234 of 2014

30.06.2016