

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.03.2019**

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CORAM:**THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE****W.P. [MD] Nos. 8571, 8588, 8681, 9255, 9449, 9450, 9452 & 9453 of 2018**

Chandran	: Petitioner in WP (MD) 8571 of 2018
M.Natarajan	: Petitioner in WP (MD) 8588 of 2018
R.Vijaya	: Petitioner in WP (MD) 8681 of 2018
Subramanian	: Petitioner in WP (MD) 9255 of 2018
D.Pandian	: Petitioner in WP (MD) 9449 of 2018
A.Balasubramanian	: Petitioner in WP (MD) 9450 of 2018
P.Muthukumarasamy	: Petitioner in WP (MD) 9452 of 2018
K.Narayanan	: Petitioner in WP (MD) 9453 of 2018

Vs.

1.The District Collector,
Dindigul District.

2.The Controlling Authority,
Under Payment of Gratuity Act /
Assistant Commissioner of Labour,
No.8, Nehruji Nagar, Dindigul.

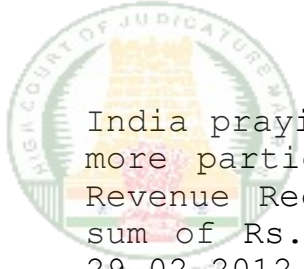
3.The Joint Commissioner / Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukovil,
Palani, Dindigul District. : Respondents in WP (MD)
8571, 8588, 8681,
9255 of 2018

1 THE COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS DEPARTMENT,
NUNGAMBAKKAM HIGH ROAD, CHENNAI.

2 THE JOINT COMMISSIONER/EXECUTIVE OFFICER,
ARULMIGU DHANDAYUTHAPANISWAMY THIRUKOIL,
PALANI,

DINDIGUL DISTRICT. ... Respondents in WP (MD). 9449, 9450, 9452 and
9453 of 2018

PRAYER: Petition filed under Article 226 of the Constitution of



India praying to issue a Writ of Mandamus, directing the respondents more particularly the first respondent to proceed U/s.3(1) of the Revenue Recovery Act as against the third respondent to collect a sum of Rs.7,02,187/- with simple interest at the rate of 10% from 29.02.2012 till the date of payment as per the written requisition of the second respondent made in Na.Ka.No.Aa6/3599/2016 dated 03.01.2017 and get a DD in favour of the Assistant Commissioner of Labour, Dindigul from the third respondent and deposit the same before the second respondent within a time frame.

Prayer in WP(MD). 8588/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the respondents more particularly the 1st respondent to proceed U/s.3(1) of the Revenue Recovery Act as against the 3rd respondent to collect a sum of Rs.3,99,471/- with simple interest at the rate of 10% from 30.09.2012 till the date of payment as per the written requisition of the 2nd respondent made in Na.Ka.No.Aa6/3148/2016 dated 18.11.2016 and get a DD in favour of the Assistant Commissioner of Labour, Dindigul from the 3rd respondent

Prayer in WP(MD). 8681/ 2018 :

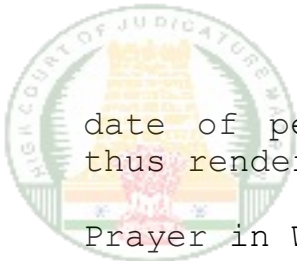
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents more particularly the 1st respondent to proceed U/s.3(1) of the Revenue Recovery Act as against the 3rd respondent to collect a sum of Rs.3,87,785/- with simple interest at the rate of 10% from 30.6.2012 till the date of payment as per the written requisition of the 2nd respondent made in Na.ka.No. Aa6/1229/2016-13 dated 23.08.2016 and get a DD in favour of the Assistant Commissioner of Labour, Dindigul from the 3rd respondent and deposit the same before the 2nd respondent.

Prayer in WP(MD). 9255/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents more particularly the 1st respondent to proceed U/s.3(1) of the Revenue Recovery Act as against the 3rd respondent to collect a sum of Rs.1,58,635/- with simple interest at the rate of 10% from 31.01.2008 till the date of payment as per the written requisition of the 2nd respondent made in Na.Ka.No.Aa6/3622/2016 dated 05.01.2017 and get a DD in favour of the Assistant Commissioner of Labour, Dindigul from the 3rd respondent and deposit the same before the 2nd respondent within a time frame.

Prayer in WP(MD). 9449/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ, order or direction in the nature of Mandamus directing the respondents to disburse gratuity amount due to petitioner with interest from the



date of petitioner's retirement within a specific time frame and thus render justice.

Prayer in WP(MD). 9450/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ, order or direction in the nature of Mandamus directing the respondents to disburse gratuity amount due to petitioner with interest from the date of petitioner's retirement within a specific time frame and thus render justice.

Prayer in WP(MD). 9452/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ, order or direction in the nature of Mandamus directing the respondents to disburse gratuity amount due to petitioner with interest from the date of his retirement within a specific time frame and thus render justice.

Prayer in WP(MD). 9453/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ, order or direction in the nature of Mandamus directing the respondents to disburse gratuity amount due to petitioner with interest from the date of petitioners retirement within a specific time frame and thus render justice.

In WP(MD)Nos.8571,8588,8681 and 19255 of 2018:

For Petitioner : Mr.D.Venkatesh(in all Cases)
For Respondents 1 & 2 : Mr.A.Thiyagarajan
Government Advocate(in all Cases)
For Respondent No.3 : Mr.V.R.Shanmuganathan
Special Government Pleader
(in all Cases)

In WP(MD)9449,9450,9452 and 9453 of 2018:

For Petitioner:Mr.S.Anand Chandrasekar
for M/s.Saravanabhauman Associates(in all Cases)
For Respondent No.1 :Mr.A.Thiyagarajan,
Government Advocate(in all Cases)
For Respondent No.2:Mr.Vr.Shanmuganathan,
Special Government Pleader
(in all Cases)

COMMON ORDER

These are batch of writ petitions filed by the temple employees for non-payment of gratuity amounts to them. By order dated 31.01.2019 in W.P.[MD]No.1084 of 2019, the Division Bench of this Court directed the Commissioner, Hindu Religious and Charitable Endowments Department No.119, Nungambakkam High Road, Chennai, to pay gratuity amount to all the temple employees on or before 15.03.2019.



2. Admittedly in all these cases, despite the expiry of the dead line, gratuity amount were not paid. It is now submitted by the learned Special Government Pleader for the respondents that in respect of W.P.[MD]Nos.8571 and 8681 of 2018, gratuity amount has been disbursed to the respective petitioners therein. Insofar as the petitioners in the other writ petitions are concerned, it is an admitted case that gratuity amounts have not been disbursed by the Commissioner, HR & CE.

3. It is also represented by the learned Special Government Pleader that a proposal has already been forwarded by the Commissioner, HR & CE Act to the Government and the Government has also in principle agreed to pay the gratuity amount and they have also filed an application seeking for extension of time before the Division Bench of this Court.

4. Since there is already a direction by the Division Bench of this Court to disburse the gratuity amount on or before 15.03.2019, this Court gives one more final opportunity to the Commissioner, HR & CE to disburse the gratuity amount payable to the petitioners in W.P.[MD]Nos.8588, 9255, 9449, 9450, 9452 & 9453 of 2018, within a period of four [4] weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, the Writ Petitions are disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar (CS)

To

1. THE DISTRICT COLLECTOR,
DINDIGUL DISTRICT.

2. THE CONTROLLING AUTHORITY,
UNDER PAYMENT OF GRATUITY ACT /
ASSISTANT COMMISSIONER OF LABOUR,
NO.8, NEHRUJI NAGAR, DINDIGUL.

3. THE COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS DEPARTMENT,
<https://hcservices.ecourts.gov.in/hcservices/>
NUNGAMBAKKAM HIGH ROAD, CHENNAI.



4. THE JOINT COMMISSIONER / EXECUTIVE OFFICER,
ARULMIGHU DHANDAYUTHAPANI SWAMY THIRUKOVIL,
PALANI, DINDIGUL DISTRICT.

+4cc to M/S.SARAVANA BHAUMAN ASSOCIATES, Advocate, SR Nos.

SR.No.56875, 56876, 56877, 56878

+1cc to Mr.D.VENKATESH, Advocate, SR.No. 56975

+1cc to M/s.Special Government Pleader, SR.No. 57146

COMMON ORDER MADE IN
W.P.[MD]Nos.8571, 8588, 8681, 9255,
9449, 9450, 9452 & 9453 of 2018

26.03.2019

MR

KK/SAR-/27.03.2019/5P-11C

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