



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. [MD] Nos. 8874, 8875, 8876, 8877, 8878, 8879, 8880, 8881 and 8901 of 2019

WP(MD) No.8874 of 2019

K.DEVI

.. Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34

2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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

PRAYER

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 first and second respondents to pay a sum of Rs.68,573/- with simple interest at the rate of 10% from 30.04.2008 till the date of payment by considering the petitioners representation dated 16.02.2019 within a time frame.

WP(MD) No.8875 of 2019

K.PALANISAMY

.. Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34



2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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

PRAYER

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 first and second respondents to pay a sum of Rs.1,73,123/- with simple interest at the rate of 10% from 31.03.2018 till the date of payment by considering the petitioners representation dated 16.02.2019 within a time frame.

WP(MD) No.8876 of 2019

S.KARUPPUSAMY .. Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34

2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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

PRAYER

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 first and second respondents to pay a sum of Rs.3,20,367/- with simple interest at the rate of 10% from 30.06.2018 till the date of payment by considering the petitioners representation dated 19.02.2019 within a time frame.



WP (MD) No.8877 of 2019

K.BALASUBRAMANIAN .. Petitioner

WEB COPY

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34

2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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

PRAYER

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 first and second respondents to pay a sum of Rs.4,48,652/- with simple interest at the rate of 10% from 31.01.2018 till the date of payment by considering the petitioners representation dated 08.04.2019 within a time frame.

WP (MD) No.8878 of 2019

P.BALASUBRAMANIAN .. Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34

2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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



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 first and second respondents to pay a sum of Rs.1,96,026/- with simple interest at the rate of 10% from 31.08.2011 till the date of payment by considering the petitioners representation dated 16.02.2019 within a time frame.

WP(MD) No.8879 of 2019

S.MARIMUTHU .. Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34

2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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

PRAYER

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 first and second respondents to pay a sum of Rs.4,63,656/- with simple interest at the rate of 10% from 31.03.2018 till the date of payment by considering the petitioners representation dated 16.02.2019 within a time frame.

WP(MD) No.8880 of 2019

KANAGARAJ .. Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34



2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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

PRAYER

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 first and second respondents to pay a sum of Rs.7,20,185/- with simple interest at the rate of 10% from 31.10.2015 till the date of payment by considering the petitioners representation dated 19.02.2019 within a time frame.

WP(MD) No.8881 of 2019

M.GNANA PRAKASAM .. Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34

2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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

PRAYER

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 first and second respondents to pay a sum of Rs.3,20,943/- with simple interest at the rate of 10% from 30.11.2017 till the date of payment by considering the petitioners representation dated 16.02.2019 within a time frame.



WP(MD) No.8901 of 2019

ANGAMUTHU .. Petitioner

WEB COPY

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 34

2. The Joint Commissioner/Executive Officer
Arulmighu Dhandayuthapani Swamy Thirukovil
Palani, Dindigul District

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

PRAYER

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 first and second respondents to pay a sum of Rs.1,50,905/- with simple interest at the rate of 10% from 30.06.2004 till the date of payment by considering the communication sent by the second respondent on 01.02.2019 and the petitioner's representation dated 07.02.2019 within a time frame.

For Petitioner .. Mr.D.Venkatesh
(in all Cases)

For Respondents No. 1 & 3 .. Mr.M.Jeyakumar
Addl Govt Pleader
(in All Cases)

For Respondent No.2 .. Mr.VR.Shanmuganathan
Spl Govt 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 amounts 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 Additional 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.8875,8876,8877,8878,8879,8880,8881 and 8901 of 2019, within a period of four 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 ()

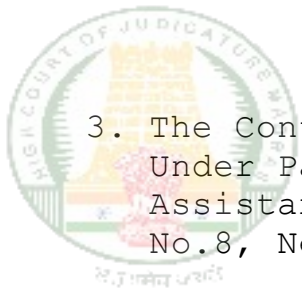
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Sub Assistant Registrar(CS)

To:

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai-34

2. The Joint Commissioner / Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukovil,
Balangudi, Palani District.



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

+1 CC to M/s.SPL GP (SR-60987,61019[F] dated 15/04/2019)

+9 CC to M/s.D.VENKATESH, Advocate (SR-61294,61296[F] dated
16/04/2019)

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Common order made in
W.P. [MD] Nos. 8874, 8875, 8876, 8877,
8878, 8879, 8880, 8881 and 8901 of 2019
12.04.2019

_KM/ (25.04.2019) 14P 14C