



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Cont.A(MD).Nos.12, 13, 14, 15, 16, 17,18,

19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,

31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 of 2019

and C.M.P(MD).No.10689, 10690, 10695, 10696, 10698,

10699, 10701, 10702, 10703, 10704, 10705, 10706, 10707, 10709,

10710, 10711, 10712, 10713, 10714, 10716, 10717, 10719. 10720,

10721, 10722, 10724, 10725, 10726, 10727, 10728, 10729, 10730,

10731, 10733, 10735, 10736, 10738, 10739, 10745, 10749, 10755,

10756, 10757, 10758, 10759, 10760, 10761, 10763, 10764, 10765,

10767, 10768, 10773, 10774, 10777 and 107778 of 2019

1. Paninthira Reddy, the Commissioner,,
Hindu Religious and Charitable Endowment Administration,
Nungampakkam High Road, Chennai-600 006.

2. Natarajan, The Joint Commissioner/executive Officer,
A/m.Meenakshi Sundareswarar Thirukovil, Madurai.

... Appellant(s) in CONT A(MD)Nos. 12 to 40/ 2019

/ VERSUS /

R.Venkatachalam	... Respondent(s) in CONT A(MD). 12/ 2019
C.Sudanthiramani	... Respondent(s) in CONT A(MD). 13/ 2019
T.Sankaralingam	... Respondent(s) in CONT A(MD). 14/ 2019
Mahadevan	... Respondent(s) in CONT A(MD). 15/ 2019
Mookkusamy	... Respondent(s) in CONT A(MD). 16/ 2019
V.Rathinam Othuvaar	... Respondent(s) in CONT A(MD). 17/ 2019
P.Murugan	... Respondent(s) in CONT A(MD). 18/ 2019
V.Mani	... Respondent(s) in CONT A(MD). 19/ 2019
R.Selvaraj	... Respondent(s) in CONT A(MD). 20/ 2019
K.Marisamy	... Respondent(s) in CONT A(MD). 21/ 2019
S.Sivanandham	... Respondent(s) in CONT A(MD). 22/ 2019
V.Vellayan	... Respondent(s) in CONT A(MD). 23/ 2019
K.Kumaran Pattar	... Respondent(s) in CONT A(MD). 24/ 2019
R.Krishnamoorthy	... Respondent(s) in CONT A(MD). 25/ 2019
R.Nayagam	... Respondent(s) in CONT A(MD). 26/ 2019
M.C.Dhanalakshmi	... Respondent(s) in CONT A(MD). 27/ 2019
V.Kailasam	... Respondent(s) in CONT A(MD). 28/ 2019
P.Rajendran	... Respondent(s) in CONT A(MD). 29/ 2019
P.Subbiah	... Respondent(s) in CONT A(MD). 30/ 2019
K.V.Gangadharan	... Respondent(s) in CONT A(MD). 31/ 2019
N.Anandan	... Respondent(s) in CONT A(MD). 32/ 2019
R.Srinivasan	... Respondent(s) in CONT A(MD). 33/ 2019



V.Govindan	... Respondent(s) in CONT A(MD). 34/ 2019
M.S.Sugadev	... Respondent(s) in CONT A(MD). 35/ 2019
V.Chandran	... Respondent(s) in CONT A(MD). 36/ 2019
V.Thangam	... Respondent(s) in CONT A(MD). 37/ 2019
M.Ramalingam	... Respondent(s) in CONT A(MD). 38/ 2019
N.K.Rajkumar	... Respondent(s) in CONT A(MD). 39/ 2019
S.Shanmugam	... Respondent(s) in CONT A(MD). 40/ 2019

Common Prayer in CONT A(MD)Nos. 12 to 40/ 2019 :

Contempt Appeals filed under Section 19(1) of Contempt of Courts Act, 1971 preferred against the order of this Court dated 30.08.2019 in Cont P(MD)Nos. 606 to 613, 598, 614, 599, 615, 616 to 618, 600, 619, 1414, 601, 1415, 602, 1416, 603, 605, 1417, 604, 1418 to 1420 of 2019.

Common Prayer in CONT P(MD)Nos. 606 to 613, 598, 614, 599, 615, 616 to 618, 600, 619, 1414, 601, 1415, 602, 1416, 603, 605, 1417, 604, 1418 to 1420, of 2019.

Contempt Petitions filed under Section 11 of Contempt of Courts Act, 1971 preferred to punish the respondent for wilful disobeying of the order and having committed contempt over the order dated 18.01.2019 in W.P.(MD)No.755, 756, 758, 760, 761, 765 to 767, 746, 768, 747, 769, 771 to 773, 748, 775, 751, 749, 759, 750, 762, 752, 754, 763, 753, 764, 770 and 774 of 2019 by this Honourable Court and thus render justice.

Common Prayer in W.P.(MD)No.755, 756, 758, 760, 761, 765 to 767, 746, 768, 747, 769, 771 to 773, 748, 775, 751, 749, 759, 750, 762, 752, 754, 763, 753, 764, 770 and 774 of 2019 :

Writ Petitions filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.119/2015, 155/2015, 88/2015, 70/2015, 100/2015, 125/2015, 120/2015, 103/2015, 59/2017, 110/2015, 60/2017, 112/2015, 96/2015, 78/2015, 149/2015, 74/2017, 128/2015, 75/2017, 76/2017, 142/2015, 77/2017, 166/2015, 133/2017, 160/2015, 89/2015, 102/2015, 150/2015, 118/2015, 105/2015 respectively filed by the petitioner(s) and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent : Mr.R.Ramasamy



JUDGMENT

(Judgment of the Court was made by **T.S.SIVAGNANAM, J.**)

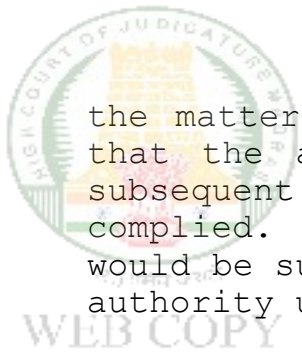
These contempt appeals have been filed by the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai challenging the order passed by the learned Single Bench in Cont.P (MD).No.1414 of 2019 etc batch. By the said order, the respondents, who are erstwhile employees of the temple under the control of the HR & CE Department, had permitted to withdraw the entire interest amount, which was deposited by the appellants pursuant to the computation done by the controlling authority under the provisions of the Payment and Gratuity Act, 1972.

2.It is submitted by the learned Special Government Pleader appearing for the appellants that already the amount of gratuity as computed has been settled to the erstwhile employees and the contest what is remaining is, the interest which has been computed and directed to be paid and this has been deposited to enable the appellants to pursue the appeals before the appellate authority under the said Act and in the interregnum, if the respondents are permitted to withdraw the entire amount, the appeals itself would become infructuous.

3.Mr.R.Ramasamy, learned counsel accepting notice on behalf of the respondents submitted that the present appeals have become infructuous, inasmuch as the interest amount deposited has already been withdrawn and in certain other cases, the temple authorities themselves have paid the entire gratuity amount along with the interest. Further, it is submitted that the appeals filed by the appellants before the appellate authority under the Act have been dismissed.

4.In order to verify the correctness of the submission, we passed over the matter and Mr.R.Ramasamy, learned counsel has produced a copy of the proceedings of the Additional Commissioner of Labour dated 13.09.2019 addressed to the Joint Commissioner/Executive Officer of Arulmigu Meenakshi Sundareswarar Thirukovil. On perusal of the said proceedings, it is seen that the appeals filed by the department have not been dismissed, but they have been returned for non-compliance of the pre-deposit, which appears to have been done and amount has also been withdrawn.

5.In the light of the above, we permitted the appellants department to pursue the appeals before the appellate authority and if not already re-presented, the same shall be re-presented at the earliest and if the appellants have complied with the statutory requirement, then the appellate authority shall entertain the appeals and issue notice to the respondents and hear them and decide



the matter on merits and in accordance with law. Needless to say that the amount which has been withdrawn by the respondents was subsequent to the presentation of the appeal, though not fully complied. In any event, any withdrawal made by the respondents would be subject to the order that has to be passed by the appellate authority under the provisions of the Payment of Gratuity Act, 1972.

6.With the above observations, these Contempt Appeals stand disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

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

2.Natarajan,
The Joint Commissioner/executive Officer,
A/m. Meenakshi Sundareswarar Thirukovil, Madurai.

+ 1 CC to Mr. R.Ramasamy, Advocate (SR 100278)

+ 1 CC to Special Government Pleader, Advocate (SR 100339)

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SGS(CO)

TR(13.01.2020) 4P 5C