



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2020

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD)No.764 of 2020

N.Raman

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.

2.The Executive Officer/Joint Commissioner,
Arulmigu Mariamman Temple,
Samayapuram,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay the gratuity interest of 10% from the date of Actual payment to till the gratuity payment made on 01.11.2019 which amounts to a sum of Rs.1,52,210/- to the petitioner as per the order of the Labour Court, Trichy.

For Petitioner : Mr.R.Rajagopalan

For Respondent No.1 : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent No.2 : Mr.K.Govindarajan

ORDER

Under Section 7(3A) of Payment of Gratuity Act, whenever the gratuity is belatedly paid, the employee shall be entitled for receiving interest at the rate of 10% from the due date of actual payment till the date on which the gratuity is paid. In the instant case, in view of the delay on the part of the second respondent in paying the gratuity, the petitioner herein had filed an application before the Labour Court, Trichy, in P.G.No.26/2017 under the Payment of Gratuity Act. By an award, dated 31.05.2017, the 2nd respondent was directed to pay a sum of Rs.3,41,048/- together with interest at the rate of 10% from the due date of the actual payment of gratuity. The said award came to be confirmed by the Appellate Tribunal on 02.04.2018 and while the gratuity amount alone was settled to the petitioner, the interest awarded by the authorities under the Payment of Gratuity Act remains unpaid, which prompted the petitioner to file the present writ petition.



2. It is not in dispute that the award passed by the authorities under the Payment of Gratuity Act has become final. Even otherwise, the petitioner would be entitled for interest on the belated payment of gratuity, in view of Section 7(3A) of the Payment of Gratuity Act and therefore, there is absolutely no justification on the part of the second respondent in not paying the interest for the belated period. In view of the same, this Court would be justified in invoking its power under Article 226 of the Constitution of India, for issuance of writ of mandamus as prayed for.

3. In the light of the above discussions, this Court directs the second respondent to pay interest on the belated payment of gratuity, at the rate of 10% per annum from 31.01.2013, ie., from the date of his retirement, till the date of the actual payment. This amount shall be disbursed, atleast, within a period of four weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition stands allowed. No Costs.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.

+1 CC to Mr.P.RAJAGOPALAN, Advocate (SR-6261[F] dated 13/02/2020)

**Order made in
W.P. (MD)No.764 of 2020
13.02.2020**

VB(04.03.2020) 2P 3C