



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No.880 of 2020

R.Chandrasekar

...Petitioner

Vs

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

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents more particularly the first respondent to pay 15% of compound interest for the gratuity amount for a sum of Rs.8,43,141/- as fixed by the second respondent by order dated 24.02.2017 in P.G.No.169 of 2016 from 28.02.2015 till the date of payment in view of the notification of the Central Government dated 01.12.1987 under Section 8 of the payment of Gratuity Act by considering the representations dated 09.09.2019 & 01.11.2019, within a stipulated time, fixed by this Court.

For Petitioner : Mr.D.Venkatesh

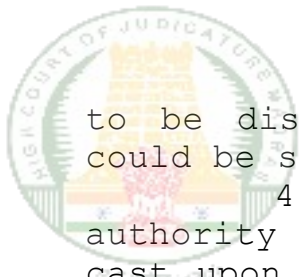
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of Writ of Mandamus to the respondents more particularly to direct the first respondent to pay 15% of compound interest for the gratuity amount, in view of the notification of the Central Government dated 01.12.1987 under Section 8 of the payment of Gratuity Act, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representations on 09.09.2019 & 01.11.2019 in this regard, which is said to be pending. If the said representations are directed



to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations, dated 09.09.2019 & 01.11.2019, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

To

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

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

+1 CC to MR.D.VENKATESH, Advocate (SR-2097[F] dated 21/01/2020)

W.P. (MD) No.880 of 2020

20.01.2020

KM/(07.02.2020) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>