



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2020**

CORAM:

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

W.P. (MD) No.1408 of 2020

P.Padalingam

... Petitioner

/vs./

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

2.The Deputy Commissioner/Executive Officer,
Arulmigu Sankara Narayanaswamy Thirukovil,
Sankarankovil,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the gratuity amount with interest of 10% to the petitioner as per the order of the Assistant Commissioner of Labour, Tirunelveli passed in P.G.No.65/2019 dated 01.07.2019.

For Petitioner : Mr.P.Rajagopalan
For R1 : Mr.V.R.Shanmuganathan
Standing Counsel

ORDER

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

2.The limited prayer sought for by the petitioner is that to consider the representation dated 23.12.2019 seeking to pay gratuity amount with interest of 10% to the petitioner.

3.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 merit 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.

<https://hcservices.eCourts.gov.in/ncservices/> 4.In view of the above observations, there shall be a



direction to the second respondent herein to consider the petitioner's representation dated 23.12.2019, in the light of the orders passed in P.G.No.65/2019 by the Assistant Commissioner of Labour, Tirunelveli, dated 01.07.2019 and pass appropriate orders within a period of six 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Mm

To

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

2.The Deputy Commissioner/Executive Officer,
Arulmigu Sankara Narayanaswamy Thirukovil,
Sankarankovil,
Tenkasi District.

+1 cc to Mr.P.Rajagopalan , Advocate SR.No.2752

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