BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **17.03.2020**
CORAM
THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

**W.P(MD)No.5015 of 2020**

B.Padma .. Petitioner

Vs.

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

2.The Joint Commissioner / Executive Officer,
Arulmigu Subramaniaswami Temple,
Thirupparankundram, Madurai. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay the gratuity interest of 10% from the date of Actual payment to till the gratuity payment made on 23.11.2019 to the petitioner as per the order of the Labour Court, Madurai and pass such further or other orders.

For Petitioner : Mr.P.Rajagopalan

For Respondent No.1 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

For Respondent No.2 : Mr.S.Manohar

**ORDER**

This writ petition has been filed for issuance of a 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 23.11.2019 to the petitioner as per the order of the Labour Court, Madurai.

2.Mr.VR.Shanmuganathan, learned Special Government Pleader, takes notice for the 1st respondent and Mr.S.Manohar, learned counsel, takes notice for the 2nd respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner is the retired employee of the 2nd respondent temple. 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 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, Madurai, in P.G.No.2/2018 under the Payment of Gratuity Act. By an award, dated 27.09.2018, the 2nd respondent was directed to pay a sum of Rs.3,36,113/- together with interest at the rate of 10% from the date of the actual payment of gratuity. 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.

4.Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent and perused the materials available on record.

5.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.

6.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 the date of her entitlement, till the date of the actual payment. This amount shall be disbursed to the petitioner, atleast, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this writ petition stands allowed. No Costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn

To

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

2.The Joint Commissioner / Executive Officer,
Arulmigu Subramaniaswami Temple,
Thirupparankundram, Madurai.

**W.P(MD)No.5015 of 2020**
(11/11)
**17.03.2020**

**KK/14.05.2020/ 3P- 3C**