



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P(MD)No.5174 of 2020

N.Thangavelu .. Petitioner

Vs.

1.The Principal Secretary/Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Utthamar Gandhi Salai,
Chennai-38.

2.The Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani-624601,
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent herein to grant full gratuity amount due to the petitioner without excluding the service period between 23.10.1987 to 31.05.1995 by considering representation dated 05.02.2020, within the time limit fixed by this Court.

For Petitioner : Mr.S.Manikandan

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

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the second respondent to grant full gratuity amount due to the petitioner without excluding the service period between 23.10.1987 to 31.05.1995 by considering his representation, dated 05.02.2020.

2.Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the second 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 joined in the service of the 2nd respondent temple as Call Boy on 23.10.1987 on time scale of pay and his service was periodically renewed till June, 1995. His service was regularized on 01.06.1995 and he was promoted as Office Assistant and later promoted as Junior Assistant. He attained the age of superannuation on 30.04.2011.

4.According to the petitioner, in an appeal filed by the 2nd respondent, the Hon'ble Supreme Court has held that the appellants will continue to make payments to the employees as per the Payment of Gratuity Act, 1972 and the appellants will make payments to the employees as and when they retire and will not drive them to go to the Payment of Gratuity Authority. The 1st respondent has also issued circular dated 31.05.2019 directing all the temples to disburse gratuity amount to the temple staff. Since the petitioner is fully eligible for gratuity for his entire service period i.e., from 23.10.1987 to 31.04.2011, he made an application to the 2nd respondent and the 2nd respondent, without calculating the period from 23.10.1987 to 31.05.1995, disbursed only a sum of Rs.2,05,443/- vide proceedings, dated 19.09.2018. Therefore, the petitioner made various representations to the 2nd respondent, seeking to disburse the gratuity amount for the entire service period and the last one is dated 05.02.2020. Since the same has not been considered so far, the petitioner has come up with the present writ petition.

5.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6.Though the learned counsel for the petitioner has sought for larger relief, he would pray that it would suffice, if the representation of the petitioner dated 05.02.2020, is directed to be disposed of by the 2nd respondent as per law.

7.Considering the limited scope of prayer sought for, this Court, without advertng to the merits of the case, directs the 2nd respondent to consider the representation of the petitioner, dated 05.02.2020 and pass orders on merits and in accordance with law, within a period of twelve_(12) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 05.02.2020 to the 2nd respondent.



8. With the above directions, this Writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary/Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Utthamar Gandhi Salai,
Chennai-38.

2. The Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani-624601,
Dindigul District.

**ORDER MADE IN
W.P (MD) No. 5174 of 2020
11.03.2020**

KMV (CO)
TR (13.05.2020) 3P 3C