



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.5355 of 2020

G.Ramakrishnan

...Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai - 34.
2. The District Collector,
Madurai District,
Madurai.
3. The Controlling Authority,
Under Payment of Gratuity Act/
Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Bharathi Ula Road,
K.Pudur,
Madurai -8.
4. The Deputy Commissioner/
Executive Officer,
Arulmigu Subramania Swamy Thirukoil,
Tiruparankundram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents particularly the 4th respondent to disburse the interest for gratuity amount of Rs.59,857/- with 10% interest from 01.09.2002 till the date of realisation as per the the order in P.G.No.25 of 2017 dated 25.09.2017, on the file of the second respondent, by initiating revenue recovery proceedings through the second respondent against the 4th respondent to collect the interest as fixed by the 3rd respondent for the petitioner till the date of payment and disburse the same to the petitioner within the time stipulated by this Court.

For Petitioner : M/s.S.Venkatesh

For Respondents : Mr.M.Karuppasamy Pandian
1 & 2 Government Advocate

O R D E R

The Writ Petition is filed to direct the 4th respondent to disburse 10% interest on gratuity amount of Rs.59,857/- to the



petitioner, from 01.09.2002 till the date of realisation, as per the order in P.G.No.25 of 2017 dated 25.09.2017.

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

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3. The case of the petitioner is that he was appointed as Parichakar in the 4th respondent temple on 01.11.1978. After his retirement, since the Gratuity amount was not paid to him, he filed P.G.No.25 of 2017 before the 3rd respondent and the same was allowed directing the 4th respondent to disburse the gratuity amount of Rs.59,857/- with 10% interest, within 30 days from the date of receipt of the order. 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. 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 fourth 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.

5. In the light of the above discussions, this Court directs the fourth respondent to pay interest on the belated payment of gratuity, at the rate of 10% per annum from the date of his 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.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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AP(03/06/2020) 3P 5C