



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2020**

CORAM:

WEB COPY

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

W.P. (MD) No.24893 of 2019

1.C.Nambinarayanan
2.S.Namburajan
3.Balakrishna Gokalae
4.J.Alagesan
5.M.Sethupandi
6.M.Ramakrishnan
7.R.Subramanian
8.PRN.Ramanathan
9.R.Nambu Selvam
10.S.Kathiresan
11.S.Arasu
12.P.Kandasamy
13.C.Namburajan
14.S.Jothikumar Bose
15.N.Indira
16.N.Krishnan

... Petitioners

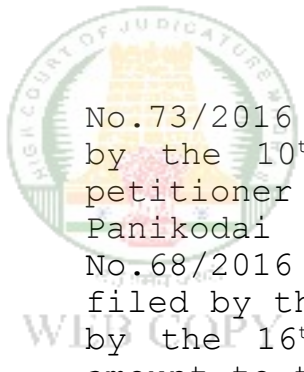
/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowment Administration,
Nungampakkam High Road,
Chennai 600 006.

2.The Joint Commissioner/Executive Officer,
Arulmigu Ramanathasamy Thirukoil,
Rameswaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to implement the interest of 10% to the gratuity amount from the retirement date of the petitioners passed by the controlling officer of payment of Gratuity/The Assistant Commissioner of labour, Madurai in the order dated 23.08.2017 in Panikodai No.108/2016 filed by the 1st petitioner in Panikodai No.35/2016 filed by the 2nd petitioner in Panikodai No.70/2016 filed by the 3rd petitioner in Panikodai No.77/2016 filed by the 4th petitioner in Panikodai No.95/2016 filed by the 5th petitioner, in Panikodai No.52/2016 filed by the 6th petitioner, in Panikodai No.96/2016 filed by the 7th petitioner, in Panikodai No.98/2016 filed by the 8th petitioner, in Panikodai



No.73/2016 filed by the 9th petitioner in Panikodai No.55/2016 filed by the 10th petitioner in Panikodai No.83/2016 filed by the 11th petitioner in Panikodai No.37/2016 filed by the 12th petitioner, in Panikodai No.110/2016 filed by the 13th petitioner, in Panikodai No.68/2016 filed by the 14th petitioner, in Panikodai No.36/2016 filed by the 15th petitioner's husband, in Panikodai No.30/2016 filed by the 16th petitioner to disburse the interest of 10% gratuity amount to the petitioners, within a time frame fixed by this Court.

For Petitioner : Mr.R.Ramasamy

For R1 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R2 : Mr.V.Ragavachari

ORDER

This Writ Petition is filed to disburse the interest of 10% gratuity amount to the petitioners.

2.The petitioners herein are the retired employees under the second respondent. Since the second respondent herein had disbursed the gratuity amount to the petitioners, the interest at the rate of 10% per annum awarded by the controlling authority has not been paid to them. The said order of the controlling authority has become final. In spite of the orders of the controlling authority, the second respondent herein had failed to comply with the orders and the petitioners' representations in this regard were also kept without consideration. Hence, the present writ petition.

3.When the orders of the controlling authority have admittedly become final, there is no other option for the second respondent, but to comply with the said orders. On this short ground, the petitioners would be entitled to succeed in the present writ petition.

4.Apart from the same, it is brought to the notice of this Court that the first respondent herein had issued a circular on 03.06.2019, directing all the temple employees to disburse the gratuity amount along with interest as ordered by the various controlling authorities and Courts of law. In spite of the said circular, the second respondent still has not chosen to consider the cases of the petitioners and a similar circular has also been issued by the first respondent herein on 13.01.2020.

5.For all the aforesaid reasons, this Court is of the firm view that it would be appropriate to direct the second respondent herein to disburse the interest of 10% gratuity amount to the petitioners.



6.In the light of the above, there shall be a direction to the second respondent herein to forthwith disburse the interest at the rate of 10% per annum on the gratuity amount awarded by the controlling authority namely, the first respondent herein, in his order dated 23.08.2017 passed in the cases of the petitioners, from the date of retirement, till the date of actual payment, atleast within a period of six weeks from the date of receipt of a copy of this order. It is made clear that in case, the second respondent herein does not disburse the aforesaid interest of 10% gratuity amount awarded by the controlling authority, within the stipulated time of six weeks, the second respondent shall pay the interest of 18% gratuity amount to the petitioners from the date of retirement till the date of actual payment.

7.With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment Administration,
Nungampakkam High Road,
Chennai 600 006.

2.The Joint Commissioner/Executive Officer,
Arulmigu Ramanathasamy Thirukoil,
Rameswaram.

+1 CC to M/s.V.RAGAVACHARI, Advocate (SR-6934[F] dated 18/02/2020)

+1 CC to M/s.R.RAMASAMY, Advocate (SR-7019[F] dated 19/02/2020)

W.P. (MD) No.24893 of 2019
18.02.2020

JMN(05.03.2020) 3P : 5C