



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2020**

CORAM:

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

W.P. (MD) Nos.26546, 26486, 26490, 26493, 26495, 26496, 26498, 26499,
26501, 26502, 26503, 26505, 26507, 26509, 26511, 26513, 26515, 26548
and 26551 of 2019

D.Krishnan	... Petitioner in W.P(MD).No.26546/ 2019
P.Venkatesan	... Petitioner in WP(MD). 26486/ 2019
V.Alagu	...Petitioner in WP(MD). 26490/ 2019
G.Sundararajan	... Petitioner in WP(MD). 26493/ 2019
Uma Maheswari	... Petitioner in WP(MD). 26495/ 2019
S.Loganathan	... Petitioner in WP(MD). 26496/ 2019
P.Velu	... Petitioner in WP(MD). 26498/ 2019
P.Subramanian	... Petitioner in WP(MD). 26499/ 2019
P.Periyasamy	... Petitioner in WP(MD). 26501/ 2019
P.Manoharan	... Petitioner in WP(MD). 26502/ 2019
P.Adaikkan	... Petitioner in WP(MD). 26503/ 2019
M.Narayani	... Petitioner in WP(MD). 26505/ 2019
K.Mondikaruppan	... Petitioner in WP(MD). 26507/ 2019
M.Raman	... Petitioner in WP(MD). 26509/ 2019
M.Ganesan	... Petitioner in WP(MD). 26511/ 2019
C.Mahadevan	... Petitioner in WP(MD). 26513/ 2019
A.Subbian	... Petitioner in WP(MD). 26515/ 2019
L.Alagusamy	... Petitioner in WP(MD). 26548/ 2019
L.Alagarsamy	... Petitioner in WP(MD). 26551/ 2019

- Vs. -

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

2.The Joint Commissioner/Executive Officer,
Arulmigu Kallalagar Thirukoil,
Alagarkoil, Madurai District. ...Respondents in WP(MD).26546,
26486, 26490,26493, 26495,
26496, 26498, 26499, 26501,26502,
26503, 26505, 26507, 26509, 26511,26513,
26515, 26548, and 26551 of 2019



Common Prayer:-

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court directing the respondents to implement the interest of 10 percent 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 24.04.2018 in Panikodai No. 164/17, 160/17, 166/17, 187/17, 165/17, 167/17, 180/17, 173/17, 168/17, 176/17, 172/17, 170/17, 162/17, 159/17, 161/17, 142/17 and in the order dated 4.7.2019 on Panikodai No.127/19, and 141/19 respectively filed by the petitioners to disburse the interest of 10 percent gratuity amount to the petitioners and fix a time frame by this Honourable Court

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.V.R.Shanmuganathan

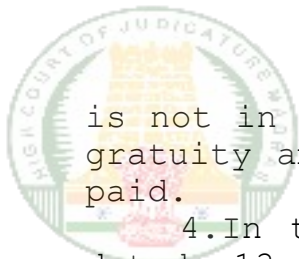
Special Government Pleader (for R1)
Mr.K.R.Laxman (for R2)

COMMON ORDER

The petitioners in all these writ petitions are the erstwhile employees of the second respondent Temple who had retired and who were not initially paid the gratuity amount as per the provisions of the Payment of Gratuity Act, 1972. The petitioners herein had filed claim petitions under Section 7 of the Payment of Gratuity Act, 1972 and the Controlling Officer, namely Assistant Commissioner of Labour, Madurai under the Payment of Gratuity Act had ordered those petitions and directed the second respondent to disburse the gratuity amount along with interest. After the orders of the Controlling Authority, the petitioners herein had made representations seeking for disbursement, which were not considered and in pursuance of the same, these present writ petitions have been filed.

2.Today when the matters were called, the learned Standing Counsel appearing for the second respondent had produced a circular dated 13.01.2020 of the Principal Secretary/Commissioner, Hindu Religious & Charitable Endowment Department, issued to all Executive Officers of the various Temples as well as other authorities, which categorically states that the interest on the gratuity should be forthwith released to the claimants as per the orders passed by the Courts as well as the concerned Commissioner of Labour. In view of the Circular dated 13.01.2020 passed by the first respondent herein, there cannot be any impediment or objections by the second respondent for denying the interest claimed by the petitioners.

3.In all these cases, the Commissioner of Labour had directed service payment of gratuity along with interest at the rate of 10%. It



is not in dispute that all the petitioners had already received the gratuity amount and interest on the belated amount alone has to be paid.

4.In the light of the circular issued by the first respondent dated 13.01.2020, there shall be a direction to the second respondent to disburse the interest on the belated payment of gratuity amount forthwith at the rate of 10% from the date of the order passed by the concerned Controlling Officer/Assistant Commissioner of Labour, Madurai under the Payment of Gratuity Act, in any event, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above observations, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /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 Kallalagar Thirukoil,
Alagarkoil, Madurai District.

+1cc to Mr.R.RAMASAMY, Advocate, SR No.4979

+1cc to Mr.K.R.LAXMAN, Advocate, SR No.4952

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KK/SAR/10.02.2020/3P-5C/