



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.858 of 2021

K.Sivalingam

...Petitioner

Vs.

The Executive Officer/Assistant Commissioner,
Arulmigu Mariamman Thirukovil,
Irukkankudi,
Sattur Taluk,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to pay interest at the rate of 10% for the belated payment of Gratuity amount of Rs.1,44,835/- from the date of the petitioner's retirement i.e., 30.06.2009 till the final settlement dated 15.07.2019 as per the Section 7 of the Payment of Gratuity Act on the basis of his representation dated 17.06.2020 within the time stipulated by this Court and for other reliefs.

For Petitioner : Mr.S.Pradeep

For Respondent : Mr.P.Mahendran
Standing Counsel

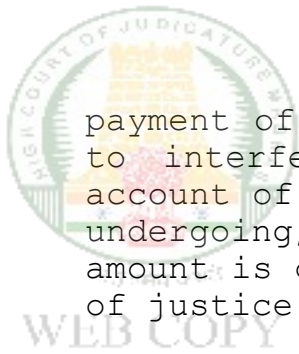
O R D E R

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

2.By an order dated 25.11.2016, the Controlling Authority had ordered for payment of gratuity in favour of the petitioner from 29.09.2009 till the date of disbursal, together with 10% interest. The writ petition has been filed, since the respondent has failed to pay the interest as ordered by the Controlling Authority. The only reason cited by the respondent temple for the non-payment of the interest is the financial crisis, which the Temple is undergoing .

3.Mr.P.Mahendran, learned Standing Counsel for the respondent would submit that in view of the financial status of the Temple, this Court may consider the payment of interest on the belated payment of gratuity, from the date of order of the Controlling Authority, instead of from 29.09.2009 and also may reduce the interest from 10% to 6% for the said belated payment.

4.Insofar as the reduction of payment of interest is concerned, since Section 7 of the Payment of Gratuity Act itself provides for
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payment of interest at the rate of 10%, it would not be appropriate to interfere with the rate of interest. However, taking into account of the financial constraints, which the respondent Temple is undergoing, if the interest for the belated payment of Gratuity amount is ordered to be paid in three monthly installments, the ends of justice could be secured.

5. In the result, the Writ Petition is allowed and consequently, the respondent is directed to pay the interest on the belated payment of gratuity amount at the rate of 10%, calculating from the date of order passed by the Controlling Authority under the Payment of Gratuity Act till the final settlement dated 15.07.2019. The entire interest amount shall be paid by the respondent to the petitioner in three equal monthly installments commencing from first of March 2021. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Executive Officer/Assistant Commissioner,
Arulmigu Mariamman Thirukovil,
Irukkankudi,
Sattur Taluk,
Virudhunagar District.

+1 CC to M/s.S.PRADEEP, Advocate (SR-6122[F] dated 19/02/2021)

W.P. (MD) No.858 of 2021
17.02.2021

(SE)CO
AP(23/02/2021) 2P 3C