



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2021**

CORAM:

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

W.P. (MD) No.6690 of 2021

WEB COPY

N.Kalimuthu

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai-34.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the interest at the rate of 10% for the belated payment of Gratuity amount of Rs.9,16,763 from the date of petitioner retirement dated 31.07.2018 till the final settlement dated 28.01.2020 as per the section 7 of the payment of gratuity Act, 1972 on the basis of petitioner representation dated 25.01.2021 within the time stipulated by this Court.

For Petitioner : Mr.P.Rajagopalan
For R1 : Mr.K.P.Narayanakumar
Special Government Pleader
For R2 : Mr.P.Mahendran
Standing Counsel

ORDER

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

2.Aggrieved against the belated settlement of the terminal benefits to the petitioner, he has claimed interest on the belated payment in this Writ Petition.

3.In this regard the Hon'ble Supreme Court in the case of ***Vijay L. Mahrotra Vs. The State of Utter Pradesh*** reported in ***(2001) 9 SCC 687***, held that when the retirement benefits are not paid on the date of retirement are soon after, the retiree would be entitled for interest on the belated payment.



4.This Court is of the view that the respondents could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petition.

5.In this background, there shall be a direction to the respondents to pay the interest to the petitioner at the rate of 6% per annum on the belated payment of the retirement benefits, commencing from the date of retirement, till the date of actual disbursement, within a period of three months from the date of receipt of a copy of this order.

6.This Writ Petition stands allowed in accordance with the above terms. No costs.

Sd/-

Assistant Registrar (AD-II)

// 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 Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai-34.

+1 CC to M/s.P.RAJAGOPALAN, Advocate (SR-13253[F] dated 24/03/2021)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-13831[F] dated 26/03/2021)

+1 CC to M/s.SPL GP (SR-13880[F] dated 26/03/2021)

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