



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.A. (MD)No.978 of 2020

and CMP(MD) No.5306 of 2020

The Joint Commissioner/Executive Officer

Arulmigu Ramanathaswami Temple

Rameshwaram PO

Ramanathapuram District.

:Appellant

Vs.

1.C.Nambinarayanan

2.S.Namburajan

3.Balakrishna Gokalae

4.J.Alagesan

5.M.Sethupandi

6.M.Ramakrishnan

7.R.Subramanian

8.P.R.N.Ramanathan

9.R.Nambu Selvam

10.S.Kathiresan

11.S.Arasu

12.P.Kandasamy

13.C.Namburajan

14.S.Jothikumar Bose

15.N.Indhira

16.N.Krishnan

17.The Commissioner

Hindu Religious and Charitable Endowments,

Administration Department

Nungambakkam High Road,

Chennai.

: Respondents



PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.24893 of 2019 dated 18.02.2020.

Prayer in WP(MD). 24893/ 2019 :

Writ Petition is 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 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 Panikodi NO.52/2016 filed by the 6th petitioner, in Panikodai No.96/2016 filed by the 7th petitioner, in Panikodi No.98/2016 filed by the 8th petitioner, in Panikodai No.73/2016

For Appellant
For Respondents

:Mr.V.Raghavachari
: Mr.R.Ramasamy for
Respondents/writ petitioners
in all appeals
Mr.K.P.Narayanakumar for
the Commissioner, HR&CE
Special Government pleader

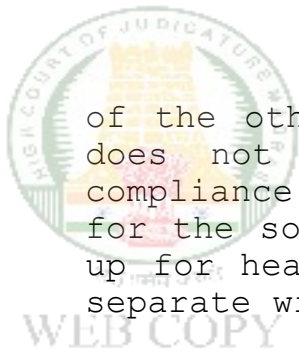
JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The present appeal is restricted to the dispute pertaining to the interest component alone, which, on perusal of the tabulation column given by the appellant would be range from few thousand to Rs.75,000/-, as maximum, approximately.

2.The learned counsel for the appellant submitted that the appeal though filed is yet to be taken up for hearing, the learned Judge is not correct in saying that the proceedings has reached finality.

3. The learned counsel for the respondent writ petitioners submitted that the Apex Court in SLP(C) CC Nos.8448 - 8449/2013 has specifically stated that the amount due will have to be given without delay. The respondents are suffering without payment, though it has been paid belatedly now, for quite number of years and they are in the advanced age for no fault on theirs. The learned counsel also made reliance upon the communication sent by the Commissioner of HR&CE in this regard, wherein, directions have been issued to various temples to settle it. It is also further submitted that few



of the other temples have complied with the other directions. Law does not prohibit the prosecution in the appeal, even after compliance. The learned Judge in a way in allowing the writ petition for the sole reason that the appeal is not even numbered and taken up for hearing, though the learned counsel for the appellant filed separate writ petition for the aforesaid purpose.

4. In such view of the matter, we direct the appellant to comply with the order of the learned Judge within eight weeks from the date of receipt of a copy of this judgment. Consequently, we also direct the Additional Commissioner of Labour, Madurai to number the appeals filed by the appellant subject to the maintainability and thereafter proceed to hear it on merit, after all it is a statutory appeal and the appellant need not be driven to file a writ petition in that regard. Accordingly, the writ appeal stands disposed of. The appellant is at liberty to withdraw the writ petition. Resultantly, we request the learned single Judge to pass appropriate orders on the pending contempt application, in view of the present judgment. We also record the fact that the gratuity amount has already been paid and this appeal is with respect to interest. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Commissioner
Hindu Religious and Charitable Endowments,
Administration Department
Nungambakkam High Road,
Chennai.

2.The Section Officer
Writ Section
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-13606[F] dated 25/03/2021
+1 CC to M/s.R.RAMASAMY, Advocate (SR-13680[F] dated 25/03/2021)

W.A. (MD) No.978 of 2020
23.03.2021

SR(CO)
TR(05.05.2021) 3P 5C