



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Wednesday, the Twenty Eighth day of April
Two Thousand and Twenty One**

PRESENT

**The Hon`ble Mr.Justice T.S.SIVAGNANAM
AND**

The Hon`ble Mrs.Justice S.ANANTHI

**CMP(MD) . Nos.4016 and 4018 to 4020 of 2021
in W.A. (MD) NOS.364 to 367 of 2021
in WP(MD) Nos.24939, 24940 & 24943 of 2019 & 4180/2020**

The Joint Commissioner/Executive Officer,
Arulmigu Ramanathaswami Temple,
Rameswaram P.O, Ramanathapuram District.

... Petitioner/Appellant/2nd Respondent
(in all CMP's)
Vs

1. R.Rakku ... 1st Respondent/1st Respondent/
Petitioner(CMP(MD) 4016/2021

1. T. Rajangam ... 1st Respondent/1st Respondent/
Petitioner(CMP(MD) 4018/2021

1. R. Ramasubramanian ... 1st Respondent/1st Respondent/
Petitioner(CMP(MD) 4019/2021

1. v. Sethuraman
2. R. Ramanathan
3. V. Meenakshi
4. Patchi Ananthanarayanan
5. M. Kaladevi
6. T.M. Senthilkumar
7. M. Sekar
8. S. Balachandran

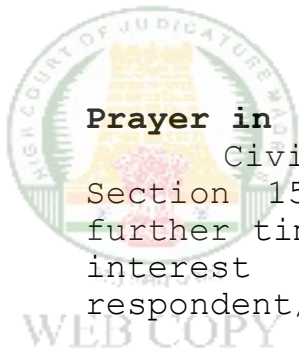
..Respondent 1 to 8/
..Respondent 1 to 8/
..Petitioners

in CMP(MD) . No. 4020 of 2021

2 The Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Nungambakkam High Road,
Chennai-600 006.

...2nd Respondent/2nd Respondent/1st Respondent
CMP(MD). No.4016, 4018 and 4019 of 2021

.. 9th Respondent/9th Respondent/
1st Respondent in CMP(MD). No. 4020 of 2021



Prayer in CMP(MD). Nos.4016 and 4018 to 4020 of 2021:-

Civil Miscellaneous Petitions filed under Section 148 r/w Section 151 of code of civil Procedure 1908, pleaded to grant further time of 4 Weeks from 17-04-2021 for deposit of 10 percentage interest to the gratuity amount of the writ petitioner/1st respondent/respondents 1 to 8 herein and thus render justice.

Prayer in WA(MD). 364, 365, 366 and 367 of 2021 :

Writ Appeals filed under Clause 15 of the Letters Patent against the order of this Court in made in W.P(MD).Nos. 24939, 24940, 24943/2019 and 4180/2020 dated 17-03-2020.

Prayer in WP(MD). 24939, 24940 and 24943/2019 :

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct 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 orders dt.25/06/2018, 29/08/2018 and 25/06/2018 in Panikodai Nos.65/17, 148/17 and 139/17 respectively filed by the petitioners to disburse the interest of 10 percent gratuity amount to the petitioners, and fix a time frame.

Prayer in WP(MD). 4180/ 2020 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to direct the respondents to implement the interest at 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 25/06/2019 in Panikodai No.134/2017 filed by the 1st petitioner, in the order dated 23/08/2017 in Panikodai No.94/2016 filed by the 2nd petitioner, in the order dated 23/08/2017 in Panikodai No.119/2016 filed by the 3rd petitioner, in the order dated 23/08/2017 in Panikodai No.97/2016 filed by the 4th petitioner, in the order dated 23/08/2017 in Panikodai No.67/2016 filed by the 5th petitioner, in the order dated 23/08/2017 in Panikodai No.25/2016 filed by the 6th petitioner, in the order dated 27/09/2018 in Panikodai No.103/2017 filed by the 7th petitioner and in the order dated 27/09/2018 in Panikodai No.104/17 filed by the 8th petitioner to disburse the interest of 10% gratuity amount to the petitioners and fix a time frame.

COMMON ORDER:-

These Petitions coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr. S. Ramesh, Advocate for the Petitioner and of Mr. R. Ramasamy, Advocate For R1 and Mr.K.P.Krishnadoss, Special Government Pleader for the Commissioner, HR & CE for the official respondent, this Court made the following order:

<https://hcservices.ecourts.gov.in/hcservices/>



[Order of the Court was made by **T.S. SIVAGNANAM, J.**]

We have heard Mr.S.Ramesh, learned Counsel appearing for the petitioner, Mr.Ramasamy, learned Counsel appearing for the first respondent and Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the second respondent.

2. These petitions have been filed seeking for extension of time to comply with the direction issued by the Court in its order dated 12.02.2021 and subsequently, clarified on 18.03.2021.

3. In the light of the order dated 18.03.2021, the appeal itself should be dismissed, because, the direction to deposit the money has not been complied with.

4. Mr.S.Ramesh, learned Counsel appearing for the petitioner submitted that both Executive Officer and the fit person of the Temple, have been affected by the COVID-19 virus and they have been advised isolation and the Executive Officer is to join duty on 04.05.2021 and prayed for indulgence to enable them to deposit the money.

5. Mr.Ramasamy, learned Counsel appearing for the first respondent is right in his submission that in the light of the order dated 18.03.2021, the appeal itself should be dismissed.

6. In our considered view, it may not be very difficult for us to dismiss the appeal, but nevertheless, that will not yield any fruitful result to the respondent-writ petitioner, who has been suffering for all the years. Therefore, we are inclined to extend the time granted, till **11.05.2021**. It is made clear that no further extension will be permitted and if the amount is not deposited on or before 11.05.2021, the order of the Hon'ble Division Bench of this Court, dated 18.03.2021, will be revived and the appeal will be automatically dismissed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

1. The Additional Commissioner of Labour,
Madurai.
2. The Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Nungambakkam High Road,
Chennai-600 006.
3. The Additional Government Pleader,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

+1cc To MR. V. Raghavachari, Advocate in C.A SR.NO.17889/2021

ORDER DATED : 28/04/2021

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EXTENSION OF TIME
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**CMP(MD) . No.4016 and 4018 to 4020 of 2021
in
W.A.(MD) NOS.364 to 367 of 2021**

Giving direction and etc.
as stated within.

na(CO)
TR(29.04.2021) 4P 6C