



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13482 of 2021

S.Pushpa

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Numgambakkam,
Chennai.

2.The Deputy Commissioner/Executive Officer,
Arulmigu Sankaranayanaswamy Thirukoil,
Sankarankovil,
Thenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the gratuity amount with interest at the rate of 10% for the belated payment of gratuity amount from the date of petitioner retirement dated 31.01.2012, as per Section 7 of the Payment of Gratuity Act, 1972, on the basis of petitioner's representation dated 21.06.2021.

For Petitioner : Mr. P.Rajagopalan
For Respondents : Mr. A.K.Manickam,
Standing Counsel for State for R1
Mr.V.R.Shanmuganathan for R2

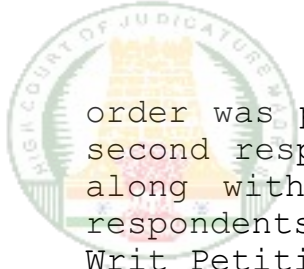
O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to pay the gratuity amount with interest at the rate of 10% for the belated payment of gratuity amount from the date of retirement of the husband of the petitioner dated 31.01.2012, as per Section 7 of the Payment of Gratuity Act, 1972, on the basis of the petitioner's representation dated 21.06.2021.

2. Mr.A.K.Manickam, learned Standing Counsel for the State, takes notice on behalf of the first respondent and Mr.VR.Shanmuganathan, learned counsel takes notice on behalf of the second respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, her husband viz., K.Somasundaram, was working as Writer in the second respondent temple and he was retired on 31.01.2012. Thereafter, the petitioner's husband died on 21.03.2013 and after his death, the petitioner approached the second respondent for payment of gratuity and sent a representation on 09.02.2021, in this regard. Since no



order was passed, the petitioner sent another representation to the second respondent on 21.06.2021, for the payment of gratuity amount along with interest. So far, no order has been passed by the respondents. Hence, the petitioner has come out with the present Writ Petition.

5. Considering the facts and circumstances of the case, the limited scope of prayer sought for in this Writ Petition and without expressing any opinion on the merits of the matter, the second respondent is directed to consider the representation of the petitioner dated 21.06.2021, on its own merits and in accordance with law and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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 Commissioner,
Hindu Religious and Charitable Endowment,
Numgambakkam,
Chennai.

2.The Deputy Commissioner/Executive Officer,
Arulmigu Sankaranayanaswamy Thirukoil,
Sankarankovil,
Thenkasi District.

+1 CC to M/s.P.RAJAGOPALAN, Advocate (SR-25336[F] dated 05/08/2021)

+1 CC to M/s.GP (SR-25496[F] dated 06/08/2021)

W.P. (MD) .No.13482 of 2021
04.08.2021