



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

W.A. (MD)Nos.703, 704, 706, 708 to 714, 717 to 726 and 729 to 738 of 2019

and

C.M.P. (MD)Nos.6267, 6273, 6276, 6278 & 6279, 6280 & 6281, 6284 & 6286, 6289 & 6290, 6295 & 6296, 6298 & 6301, 6302 & 6303, 6305 & 6306, 6323 & 6324, 6327 & 6328, 6329 & 6330, 6332 & 6333, 6335 & 6337, 6339 & 6341, 6344 & 6345, 6348 & 6349, 6350 & 6351, 6352 & 6353, 6367 & 6368, 6369 & 6370, 6373 & 6374, 6375 & 6376, 6377 & 6378, 6382 & 6383, 6384 & 6385, 6389 & 6390, 6406 & 6407 and 6408 & 6409 of 2019

1.The Commissioner,
Hindu Religious and Charitable Endowment Administration,
Nungampakkam High Road,
Chennai - 600 006.

2.The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareswarar Thirukovil,
Madurai. ... Appellants in all W.As.

Vs.

R.Selvaraj	... Respondent in W.A. (MD)No.703/2019
S.Sivanandham	... Respondent in W.A. (MD)No.704/2019
M.C.Dhanalakshmi	... Respondent in W.A. (MD)No.706/2019
P.Subbiah	... Respondent in W.A. (MD)No.708/2019
N.Anandan	... Respondent in W.A. (MD)No.709/2019
P.Rajendran	... Respondent in W.A. (MD)No.710/2019
V.Govindan	... Respondent in W.A. (MD)No.711/2019
V.Thangam	... Respondent in W.A. (MD)No.712/2019
M.S.Sugadev	... Respondent in W.A. (MD)No.713/2019
S.Venkatachalam	... Respondent in W.A. (MD)No.714/2019
C.Sudanthiramani	... Respondent in W.A. (MD)No.717/2019
M.Muthumeenatchi Sundaram	... Respondent in W.A. (MD)No.718/2019
T.Sankaralingam	... Respondent in W.A. (MD)No.719/2019
K.V.Gangadharan	... Respondent in W.A. (MD)No.720/2019
Mahadevan	... Respondent in W.A. (MD)No.721/2019
Mookkusamy	... Respondent in W.A. (MD)No.722/2019
P.Dharmamani	... Respondent in W.A. (MD)No.723/2019
V.Chandran	... Respondent in W.A. (MD)No.724/2019
M.Ramalingam	... Respondent in W.A. (MD)No.725/2019



V.Rathinam Othuvaar
P.Murugan
V.Mani
K.Marisamy
V.Vellayan
N.K.Rajkumar
K.Kumaran Pattar
R.Krishnamoorthy
R.Nayagam
S.Shanmugam
V.Kailasam

... Respondent in W.A. (MD) No.726/2019
... Respondent in W.A. (MD) No.729/2019
... Respondent in W.A. (MD) No.730/2019
... Respondent in W.A. (MD) No.731/2019
... Respondent in W.A. (MD) No.732/2019
... Respondent in W.A. (MD) No.733/2019
... Respondent in W.A. (MD) No.734/2019
... Respondent in W.A. (MD) No.735/2019
... Respondent in W.A. (MD) No.736/2019
... Respondent in W.A. (MD) No.737/2019
... Respondent in W.A. (MD) No.738/2019

Prayer : Writ Appeals filed under Clause 15 of Letters Patent Act, against the common order dated 18.01.2019, made in W.P. (MD) Nos.746 to 775 of 2019.

Prayer in WP(MD). 746/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 25.9.2017 in Panikodai No.59/2017 filed by the petitioner and fix a time frame by this Honble Court to disburse the gratuity amount entitled by the petitioner

Prayer in WP(MD). 747/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 25.09.2017 in Panikodai No.60/2017 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 748/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 29.11.2017 in Panikodai No.74/2017 filed by the petitioner and fix a time frame by this Honble Court to disburse the gratuity amount entitled by the petitioner

Prayer in WP(MD). 749/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant



Commissioner of Labour, Madurai on 29.11.2017 in Panikodai No.76/2017 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 750/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 29.11.2017 in Panikodai No.77/2017 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner

Prayer in WP(MD). 751/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 29.11.2017 in Panikodai No.75/2017 filed by the petitioner and fix a time frame by this Honble Court to disburse the gratuity amount entitled by the petitioner

Prayer in WP(MD). 752/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.133/2017 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 753/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.102/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 754/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed



by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.160/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner

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Prayer in WP(MD). 755/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.119/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 756/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.3.2017 in Panikodai No.155/2015 filed by the petitioner and fix a time frame by this Honble Court to disburse the gratuity amount entitled by the petitioner

Prayer in WP(MD). 757/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.134/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 758/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.3.2017 in Panikodai No.88/2015 filed by the petitioner and fix a time frame by this Honble Court to disburse the gratuity amount entitled by the petitioner

Prayer in WP(MD). 759/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant



Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.142/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 760/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.3.2017 in Panikodai No.70/2015 filed by the petitioner and fix a time frame by this Honble Court to disburse the gratuity amount entitled by the petitioner

Prayer in WP(MD). 761/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.100/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 762/ 2019 :

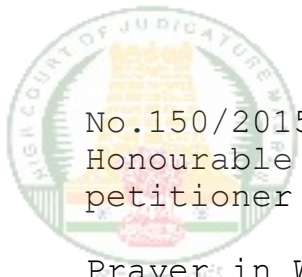
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.166/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 763/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.89/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 764/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai



No.150/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 765/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.125/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 766/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.120/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 767/ 2019 :

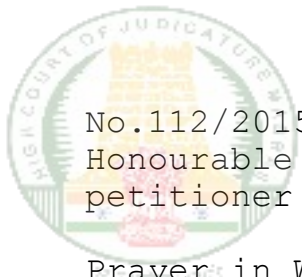
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.103/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 768/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.110/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 769/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai



No.112/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 770/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.118/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 771/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.96/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 772/ 2019 :

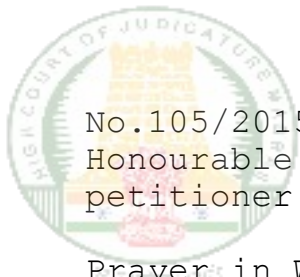
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.78/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 773/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.149/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 774/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai



No.105/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

Prayer in WP(MD). 775/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to implement the order passed by the controlling officer of payment of Gratuity/ The Assistant Commissioner of Labour, Madurai on 30.03.2017 in Panikodai No.128/2015 filed by the petitioner and fix a time frame by this Honourable Court to disburse the gratuity amount entitled by the petitioner and thus render justice.

For Appellants in all W.As. : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent in all W.As. : Mr.R.Ramasamy

* * * * *

COMMON JUDGMENT

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

All these appeals have been preferred against the common order dated 18.01.2019, passed by the learned Single Judge in a batch of Writ Petitions filed in W.P.(MD)Nos.746 to 775 of 2019, by which, a direction was issued to implement the order passed by the authority constituted under the Payment of Gratuity Act, 1972. As the aforesaid orders were not complied with, some of the respondents herein, who were Writ Petitioners, filed Contempt Petitions in Cont.P.(MD)Nos.598 to 619 of 2019 before this Court. In the said Contempt Petitions, the learned Single Judge, by order dated 30.08.2019, has held as follows:-

''3.This Court therefore permits the petitioners herein to move the appellate authority and have the interest amounts withdrawn. There is no need for the appellate authority to issue notice to the temple management or get its no objection. In other words, the appellate authority will disburse the interest amount directly to the respective claimants. I am therefore making a direction to that effect. Of course the rights of the parties will abide by the final outcome of the applications filed by the authority before the appellate authority/writ appeals/proceedings pending before the Hon'ble Supreme Court.''

Aggrieved over the said order, Contempt Appeals in Cont.A.(MD)Nos.12 to 40 of 2019 were filed before the Division Bench of this Court, wherein this Court, in and by order dated 19.11.2019, was pleased to pass the following order:

''3.Mr.R.Ramasamy, learned counsel accepting notice



on behalf of the respondents submitted that the present appeals have become infructuous, inasmuch as the interest amount deposited has already been withdrawn and in certain other cases, the temple authorities themselves have paid the entire gratuity amount along with the interest. Further, it is submitted that the appeals filed by the appellants before the appellate authority under the Act have been dismissed.

4.In order to verify the correctness of the submission, we passed over the matter and Mr.R.Ramasamy, learned counsel has produced a copy of the proceedings of the Additional Commissioner of Labour dated 13.09.2019 addressed to the Joint Commissioner/Executive Officer of Arulmigu Meenakshi Sundareswarar Thirukovil. On perusal of the said proceedings, it is seen that the appeals filed by the department have not been dismissed, but they have been returned for non-compliance of the pre-deposit, which appears to have been done and amount has also been withdrawn.

5.In the light of the above, we permitted the appellants department to pursue the appeals before the appellate authority and if not already re-presented, the same shall be re-presented at the earliest and if the appellants have complied with the statutory requirement, then the appellate authority shall entertain the appeals and issue notice to the respondents and hear them and decide the matter on merits and in accordance with law. Needless to say that the amount which has been withdrawn by the respondents was subsequent to the presentation of the appeal, though not fully complied. In any event, any withdrawal made by the respondents would be subject to the order that has to be passed by the appellate authority under the provisions of the Payment of Gratuity Act, 1972.

6.With the above observations, these Contempt Appeals stand disposed of. Consequently, connected Miscellaneous Petitions are closed."

2.As stated by the learned Special Government Pleader appearing for the appellants, nothing survives for further adjudication in these Writ Appeals, in view of the order passed in the above said Contempt Appeals. It is stated by the learned Special Government Pleader appearing for the appellants that appeals are pending in Payment of Gratuity Appeal Nos.3 and 7 of 2020 before the appellate authority, namely, the Additional Commissioner of Labour, Madurai. Hence, the appellants can work out their remedy in the pending appeals.

3.Accordingly, these Writ Appeals are closed with the direction to the appellate authority, namely, the Additional



Commissioner of Labour, Madurai, to dispose of the pending appeals as afore-stated within 12 weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 Administration,
Nungampakkam High Road,
Chennai - 600 006.

2.The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareswara Thirukovil,
Madurai.

Copy to

The Additional Commissioner of Labour,
Madurai.

Common Judgment made in

W.A. (MD) Nos.703, 704, 706, 708 to 714, 717 to 726 and 729 to 738 of
2019

05.01.2021

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