



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No. 15786 of 2021

S.Petchimuthu

... Petitioner

Vs.

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

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

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of 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 to the petitioner on the basis of representation dated 08.03.2021 within the time stipulated by this Court and for other reliefs.

For Petitioner	: Mr.P.Rajagopalan
For 1 st Respondent	: Mr.A.K.Manikkam Counsel for State
For 2 nd Respondent	: Mr.V.R.Shanmuganathan, Standing counsel

O R D E R

This petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to pay the gratuity to the petitioner along with interest at the rate of 10% for the belated payment of gratuity amount from the date of petitioner's retirement dated 31.01.2012 as per Section 7 of the Payment of Gratuity Act, 1972 on the basis of the petitioner's representation dated 08.03.2021 within the time stipulated by this Courts.

2.Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

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



4.The petitioner was working as Night Watchman in the second respondent temple from 01.04.1980 to 28.02.2011 for a period of 30 years. After his retirement, the petitioner has submitted a representation dated 08.03.2021 to the second respondent requesting to consider his representation for payment of Gratuity amount with 10% interest and a copy of the same was also sent to the first respondent. However, the said representation is still pending and no orders were passed till date. Therefore, the present Writ petition has been filed before this Court.

5.Considering the submissions made by the learned counsel on either side and considering the limited prayer sought by the petitioner, this Court, without expressing any opinion on merits, directs the second respondent to consider the petitioner's representation dated 08.03.2021 on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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

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

+1 CC to P.Rajagopalan, Advocate (SR-28468/2021)

+1 CC to The Special Government Pleader (SR-28182/2021)

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RS (17.09.2021) 2P 5C

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