



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.15759 of 2021

N.Bhavani

... Petitioner

vs.

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

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 along with interest of 10% to the petitioner as per order of the Assistant Commissioner of Labour, Tirunelveli passed in PG. No.75/2019 dated 22.10.2020.

For Petitioner : Mr.P.Rajagopalan

For 1st Respondent : Mr.A.K.Manikkam
Counsel for State

For 2nd Respondent : Mr.V.R.Shanmuganathan
Standing Counsel

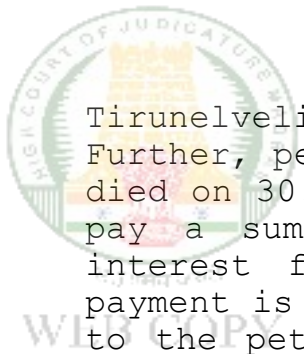
O R D E R

This petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to pay the Gratuity amount along with interest of 10% to the petitioner as per the order of the Assistant Commissioner of Labour, Tirunelveli passed in PG. No.75/2019 dated 22.10.2020.

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's husband was working as Paara in the second respondent Temple from 10.02.1978 to 31.02.2005 for a period of 27 years. After his retirement, the gratuity amount was not paid to him by the respondents, hence, he approached the Labour Court,



Tirunelveli for payment of Gratuity vide PG.(IA) No.75 of 2019. Further, pending adjudication of the same, the petitioner's husband died on 30.11.2018. The Tribunal, on 22.10.2020 has ordered to pay a sum of Rs.91,608/- as principle amount alongwith 10% interest from the date of actual payment of gratuity till the payment is made as per Section 7(3A) of Payment of Gratuity Act 1972 to the petitioner. The petitioner has submitted a representation dated 02.11.2020 to the second respondent for payment of Gratuity amount of Rs.91,608/- with 10% interest. 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 02.11.2020 on merits and in accordance with law by taking note of the order passed by the Assistant Commissioner of Labour, Tirunelveli in PG (IA) No.75/19 dated 22.10.2020 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-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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

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

+1 CC to M/s.P.RAJAGOPALAN, Advocate (SR-28469[F] dated 07/09/2021)

+1 CC to M/s.GP (SR-28178[F] dated 06/09/2021)

W.P.(MD) No.15759 of 2021
03.09.2021

RK (17.09.2021) 2P 5C

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