



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.468 of 2022

N.Jasudadevi

... Petitioner

-Vs-

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai - 600 034.

2. The Joint Commissioner / Executive Officer,
Arulmigu Ramanathaswamy Temple,
Rameshwaram - 623 526.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents particularly the second respondent to comply / implement the directions issued by the Deputy Commissioner of Labour, Madurai as directed in P.G. No. 60 of 2018 dated 12.12.2019 to disburse the balance gratuity of Rs.9,151/- with interest at the rate of 10% from 01.08.2016 till the date of realization along with interest amount of Rs.87,704/- for the disbursed amount of Rs.2,19,642/- further comply with directions of the first respondent vide his circular in Na.Ka.No.22735/2018 dated 13.01.2020.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.A.Kannan
Additional Government Pleader for R1
Mr.S.Ramesh for R2

O R D E R

This Writ Petition is filed to direct the second respondent to implement the directions issued by the Deputy Commissioner of Labour, Madurai on 12.12.2019 to disburse the balance gratuity with interest at the rate of 10% from 01.08.2016 till the date of realization along with interest for the gratuity amount of Rs.2,19,642 /- and comply with the directions of the first



respondent vide his circular in Na.Ka.No.22735/2018 dated 13.01.2020.

2. The grievance of the petitioner is that she served in the second respondent Temple and attained superannuation on 30.06.2016. However, the balance gratuity amount has not been settled to the petitioner and therefore, she filed an application before the Deputy Commissioner of Labour, Madurai in P.G. No. 60 of 2018. Considering all the relevant documents, the Deputy Commissioner of Labour, Madurai, by order dated 12.12.2019, allowed the petitioner's application with a direction to the second respondent to disburse the amount of Rs.2,28,793 /- with 10% interest from 01.08.2016, within a period of thirty days from the date of receipt of a copy of the order. As against the order of the Deputy Commissioner of Labour, the second respondent has not filed any appeal and the order has become final.

3. Mr.S.Ramesh, learned counsel takes notice for the second respondent and submits that the order of the Deputy Commissioner of Labour in P.G. No. 60 of 2018 dated 12.12.2019 is under consideration and the amount would be disbursed very soon.

4. The learned Additional Government Pleader appearing for the first respondent submits that the petitioner is entitled for gratuity amount, as per G.O.(Ms).No.53, Tourism, Culture and Religious Endowment Department dated 27.05.2019.

5. It is an admitted fact that, the petitioner was retired from service in the month of June 2016. The Deputy Commissioner of Labour has also passed an order in December 2019 with a direction to the second respondent to disburse the amount with 10% interest within a period of thirty days from the date of receipt of a copy of the order. Even then, the second respondent has not taken any steps to disburse the amount and therefore, the petitioner is constrained to file this Writ Petition to exercise her rights for getting the gratuity amount. As per the order of the Deputy Commissioner of Labour, Madurai, the second respondent is liable to pay the balance gratuity amount to the petitioner. However, they are dragging the same for more than two years and they have driven the petitioner to file this Writ Petition.

6. Apart from the order of the Court, the first respondent has also issued an instruction to the second respondent to disburse the balance gratuity amount. Even then, the amount has not been disbursed to the petitioner.

7. In view of the above, this Writ Petition is allowed with a direction to the second respondent to disburse the balance gratuity



amount to the petitioner within a period of one week from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

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

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Chennai - 600 034.
2. The Joint Commissioner / Executive Officer,
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(4/4)

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