



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.2133 to 2135 of 2022

A,Mariappan ...Petitioner in
W.P(MD) No.2133 of 2022

M.Kannan ...Petitioner in
W.P(MD) No.2134 of 2022

S.Muniasamy ...Petitioner in
W.P(MD) No.2135 of 2022

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai -34.

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

PRAYER in W.P(MD) No.2133 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of 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.189 of 2017, dated 21.03.2019 to disburse the interest at the rate of 10% from 01.06.2017 for the gratuity amount of Rs.3,75,638/- further comply with directions of the first respondent vide his circular in Na.Ka.No.22735/2018, dated 13.01.2020, within the time stipulated by this Court.

PRAYER in W.P(MD) No.2134 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of 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.95 of 2018, dated 21.03.2019 to disburse the balance gratuity of Rs.51,630/- with interest at the rate of 10% from 01.08.2016, till the date of realization along with interest amount of Rs.1,41,351/- for the disbursed amount of Rs.3,87,225/- further comply with directions of



the first respondent vide his circular in Na.Ka.No.22735 of 2018, dated 13.01.2020.

PRAYER in W.P(MD) No.2135 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of 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.79 of 2018, dated 21.03.2019 to disburse the balance amount along with interest at the rate of 10% from 01.08.2017 to till the date of realization of the balance amount for the gratuity amount of Rs.14,310/- further comply with directions of the first respondent vide his circular in Na.Ka.No.22735/2018, dated 13.01.2020, within the time stipulated by this Court.

For Petitioner	:Mr.S.Venkatesh
For R1	:Mr.J.Ashok Additional Government Pleader
For R2	:Mr.S.Ramesh (in all WPs)

C O M M O N O R D E R

These writ petitions have been filed for a Mandamus, directing the second respondent to implement the directions of the Deputy Commissioner of Labour, passed in P.G.No.189 of 2017, P.G.No.95 of 2018 and P.G.No.79 of 2018, dated 21.03.2019, to pay the balance terminal benefits payable to the petitioners.

2.Since all three writ petitions are pertaining to implementation of the directions of the Deputy Commissioner of Labour, Madurai, dated 21.03.2019, this Court is taking up all the writ petitions together and dispose of the same by way of a common order.

3.The learned counsel appearing for the petitioners submits that the petitioners, who worked under the second respondent temple, retired from service on 30.04.2017 and 30.06.2017 respectively. But, their entire terminal benefits were not disbursed to them. Therefore, the petitioners approached the Deputy Commissioner of Labour, Madurai. The Deputy Commissioner of Labour, Madurai has also arrived at the eligible amount to be paid by the second respondent, by order dated 21.03.2019. The grievance of the petitioners is that though the Deputy Commissioner of Labour, Madurai has arrived at eligible amount payable to the petitioners, the second respondent has paid part of the amount only and the balance amount is yet to be paid to the petitioners. The learned counsel further submits that the petitioners are also entitled for interest for the belated payment of their terminal benefits.

4.Mr.S.Ramesh, learned counsel takes notice for the second respondent and submits that the request of the petitioners is under



consideration and the amount payable to them would be disbursed within a period of two weeks.

5.This Court paid its anxious consideration to the submissions made.

6. Admittedly, the petitioners retired from service in the year 2017 itself. But they were not settled with the entire retirement benefits. Hence, they were constrained to approach the Deputy Commissioner of Labour, Madurai and the Deputy Commissioner of Labour, Madurai has also arrived at the eligible amount payable to the petitioners. But, the fact remains that the petitioner was not settled with the entire terminal benefits. The Hon'ble Apex Court in **S.K.Dua vs. State of Haryana** reported in **2008 (3) SCC 44**, has held as follows:

"14. In the circumstances, prima facie, we are of the view that the grievance voiced by the appellant appears to be well founded that he would be entitled to interest on such benefits. If there are statutory rules occupying the field, the appellant could claim payment of interest relying on such rules. If there are administrative instructions, guidelines or norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. But even in absence of statutory rules, administrative instructions or guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of "bounty" is, in our opinion well founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in living even without issuing notice to the respondents."

7.In view of the decision of the Honourable Supreme Court as stated supra, this Court is inclined to allow the writ petition, with a direction to the respondents to disburse the balance terminal benefits payable to the petitioners, as arrived at by the Deputy Commissioner of Labour, Madurai, within a period of three weeks from the date of receipt of a copy of this order together with applicable interest for the belated payment.

8.With the above directions, these writ petitions are allowed. No costs.

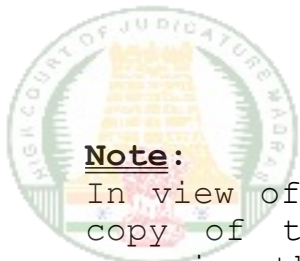
Sd/-

Deputy Registrar (LA & MC)

// True Copy //

/ /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

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai -34.

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

+3 CC to M/s.S.VENKATESU, Advocate (SR-4496[F] dated 07/02/2022)

+1 CC to M/s.SPL.GP (SR-3993[F],SR-3994[F]&SR-3995[F]dated
03/02/2022)

W.P(MD) Nos.2133 to 2135 of 2022

03.02.2022

MGJ(23.03.2022) 4P 7C