



W.P.(MD) No.14877 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.14877 of 2021

and

W.M.P.(MD) No.11788 of 2021

WEB COPY

N.S.Ramasamy

... Petitioner

vs.

1.The Commissioner

Commissioner Office

HR & CE Department

Uthamar Gandhiyadigal Salai

Nungampackam High Road

Chennai-600 034

2.The Joint Commissioner /

Executive Officer

Joint Commissioner Office

Arulmigu Subramaniaswamy Kovil

Thiruchendur, Thoothukudi District-628 415

Tamilnadu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to consider the petitioner's representation dated 26.11.2020 to pay the interest to the petitioner for delayed settlement of gratuity amount of Rs.2,58,042/- at the rate of the 12% interest with multiple interest for the period from 01.01.2012 to 17.12.2019 within a time frame fixed by this Court.

For Petitioner : Mr.Venkatesan.M.

For Respondents : Mr.P.T.Thiraviam

Government Advocate for R1

Mr.M.Muthu Geethaian for R2

O R D E R

The relief sought for in this writ petition is to direct the respondents to consider the petitioner's representation dated 26.11.2020 and pay interest for the belated settlement of gratuity amount of Rs.2,58,042/- at the rate of 12% per annum.

2. The petitioner was appointed as Work Assistant in the second respondent - Temple and promoted to the post of Collection Clerk. He was retired from service on 31.10.2011. As per the Payment of Gratuity Act, 1972 (for brevity "the Act") has disbursed the gratuity amount to the petitioner, however, there was a delay in settling the gratuity amount. The employer is liable to pay interest for the belated payment of the gratuity amount and other



terminal benefits due to the employee. The grievance of the petitioner is that he made a representation, dated 26.11.2020, to the respondents to settle interest as per the Act and the respondents have not considered the representation.

3. This Court is of the considered opinion that the employee is entitled to interest for the belated settlement of terminal and pensionary benefits. Therefore, the delay is to be calculated by the employer and accordingly, the interest as admissible under the Act and Rules must be settled in favour of the petitioner.

4. Accordingly, the respondents are directed to calculate the interest as admissible by calculating the period of delay in settling the terminal and pensionary benefits and settle the same to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Commissioner,
Commissioner Office,
HR & CE Department,
Uthamar Gandhiyadigal Salai,
Nungampackam High Road, Chennai-600 034.

2.The Joint Commissioner /
Executive Officer
Joint Commissioner Office
Arulmigu Subramaniaswamy Kovil
Thiruchendur, Thoothukudi District-628 415, Tamilnadu.

+1 CC to M/s.M. MUTHUGEETHAYAN, Advocate (SR-17373[F] dated 08/04/2022)

+1 CC to M/s.M. VENKATESAN, Advocate (SR-17114[F] dated 07/04/2022)

+1 CC to M/s.SPL.G.P (SR-17575[F] dated 08/04/2022)

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MGJ(20.04.2022) 2P 6C