



W.P.(MD).No.18843 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18843 of 2022

M.Sankarasubramanian

... Petitioner

Vs.

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

2.The Assistant Commissioner / Executive Officer,
Arulmigu Thirukutralanathaswamy Temple,
Courtralam.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents particularly the second respondent to comply / implement the directions issued by the Deputy Commissioner of Labour, Tirunelveli in P.G.No.32 of 2020 dated 12.04.2021 to disburse the interest amount of Rs.3,65,132/- for the gratuity amount of Rs.6,84,623/- further comply with directions of the first respondent vide his circular in Na.Ka.No.22735/2018 dated 13.01.2020 within time stipulated by this Court.



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For Petitioner : Mr.S.Venkatesh
For R-1 : Mr.M.Lingadurai,
Special Government Pleader.
For R-2 : Mr.S.Manoharan

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. Pursuant to the determination of gratuity amount by the original authority under the Payment of Gratuity Act, 1972 in P.G.No.32/2020, dated 12.04.2021, a sum of Rs.3,65,132/- towards 10% interest was ordered to be paid for. The appeal filed by the second respondent herein before the appellate authority was also rejected.

3. It is now stated by the learned counsel for the petitioner that the principal amount determined by the original authority under the Act was already disbursed to the petitioner and that the aforesaid interest amount alone is due. In this regard, the petitioner has made a representation, dated 18.03.2022, to the



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second respondent herein, which is still pending. In view of the non-consideration of the representation seeking for payment of the interest, the present Writ Petition has been filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. Accordingly, there shall be a direction to the second respondent herein to consider the petitioner's representation, dated 18.03.2022, in the light of the observations made by this Court, as well as the order passed by the Deputy Commissioner of Labour, Tirunelveli in P.G.No.32/2020, dated 12.04.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

18.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/btr

To

The Commissioner,
Hindu Religious and Charitable Endowments,
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M.S.RAMESH, J.

Lm/btr

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