



WEB COPY



Writ Petition Nos.3200, 3206, 3207, 3209, 3213 and 3216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.3200, 3206, 3207, 3209, 3213 and 3216 of 2023

Writ Petition No.3200 of 2023

M.Ganesan

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai – 34.
2. The Additional Commissioner of Labour
cum Appellate Authority,
Labour Welfare Office, 6th floor,
Teynampet,
Chennai – 6.
3. The Assistant Commissioner of Labour-II,
Office of the Assistant Commissioner of Labour,
Chennai – 6.
4. The Joint Commissioner/
Executive Officer,
Arulmigu Subramaniaswamy Temple.
Thiruthani.

... Respondents



Writ Petition Nos.3200, 3206, 3207, 3209, 3213 and 3216 of 2023

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents particularly the fourth respondent to disburse the interest at the rate of 10% from 31.05.2005 to 21.05.2013 for the gratuity amount of Rs.99,381/- as per Section 4 r/w 7(3A) of the Payment of Gratuity Act, 1972.

For Petitioners in all W.Ps. : Mr.A.Sivaji

For Respondents in all W.Ps.: Mr.K.Karthikeyan
Government Advocate for R1

Mr.R.Bharanidharan
Standing Counsel for R4

COMMON ORDER

These writ petitions have been filed for the issuance of a writ of mandamus directing the respondents to disburse the interest at the rate of 10% from the date of superannuation of the petitioners to the date of application made for payment of gratuity based on the representations made by the petitioners from 28.01.2021 to 06.02.2021.

2. Heard Mr.A.Sivaji, learned counsel appearing for the petitioners and Mr.K.Karthikeyan, learned Government Advocate appearing for the first respondent and Mr.R.Bharanidharan, learned standing counsel appearing for the fourth respondent.



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3. The case of the petitioners is that they were all appointed in the fourth respondent Temple and after putting in sufficient service, they have superannuated on various dates. The gratuity amount was not paid to the petitioners and hence, they have filed petitions before the competent authority under the Payment of Gratuity Act, 1972, in P.G.Nos.57, 58, 64, 69, 71 and 73 of 2013. The competent authority, through a common order dated 25.05.2017, directed the fourth respondent to pay the gratuity with interest at the rate of 10% within a period of 30 days.

4. The grievance of the petitioners is that the fourth respondent had paid the gratuity with interest only from the date on which the application was made before the competent authority under the Payment of Gratuity Act and according to the petitioners, interest ought to have been paid from the date of their superannuation. Representations were made in this regard to the respondents seeking for the payment of balance interest amount. Since the same did not evoke any response, these writ petitions have been filed seeking for appropriate directions.



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5. The limited issue that is involved in these writ petitions is as to whether the petitioners are entitled for the payment of interest from the date of their superannuation or from the date when they filed the application seeking for gratuity before the competent authority. An order has already been passed by the competent authority on 25.05.2017 and hence, it will be fit and proper if a direction is given to the fourth respondent to consider the representations made by the petitioners and take a decision within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioners are directed to make fresh representations to the fourth respondent along with all the relevant documents and also a copy of this order.

Accordingly, this Writ Petition is disposed of with the above direction. No costs.

07.02.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

rap/gm



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To

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N.ANAND VENKATESH, J

rap

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