



W.P(MD)No.1076 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1076 of 2020

and

W.M.P(MD)No.865 of 2020

S.T.Moorthy

... Petitioner

Vs

1.The Joint Commissioner /
Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukovil,
Palani,
Dindigul District.

2.The Controlling Authority
Under Payment of Gratuity Act /
Assistant Commissioner of Labour,
No.8, Nehruji Nagar,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.1160/2019/A4 dated 26.12.2019 and quash the same as illegal and consequently direct the first respondent to pay 10 percent of



W.P(MD)No.1076 of 2020

simple interest for a principal sum of Rs.2,08,963/- to the petitioner from 30.06.2008 till the date of payment deducting the amount already paid by the first respondent through his proceedings in Na.Ka.No.1160/2019/A4 dated 24.9.2019.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.Govindarajan for R.1

Mr.K.Balasubramani
Special Government Pleader for R.2

ORDER

Heard the learned counsel on either side.

2.The petitioner was employed in the first respondent temple. He retired on 30.06.2008. During the relevant time there was controversy as to whether gratuity should be paid to temple servants or not. The petitioner moved the controlling authority under the Payment of Gratuity Act and an award was passed in his favour on 08.01.2016. The employer was called upon to pay a sum of Rs.2,08,963/- together with interest to be calculated from 30.06.2008. On 24.09.2009, a sum of Rs.2,26,024/- was paid. The employer was under the impression that all the dues payable to the petitioner have been settled. To that effect the impugned order dated 24.09.2019 came to be issued. Even a simple calculation would show that the amount of Rs.2,26,024/- would only represent



W.P(MD)No.1076 of 2020

the principal amount plus fraction of the interest. Therefore, the order impugned in the writ petition is set aside. It is stated that a further sum of Rs.1,79,610/- was paid on 18.06.2020. A rough calculation would indicate that some more amount is due and payable to the petitioner. The first respondent is directed to serve a calculation sheet on the petitioner for the amount already paid. Even while serving the calculation sheet, the balance amount shall also be settled. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

3.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Joint Commissioner /
Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukovil,
Palani,
Dindigul District.



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W.P(MD)No.1076 of 2020

G.R.SWAMINATHAN, J.

MGA

2.The Controlling Authority
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