



W.P(MD)No.8428 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8428 of 2023

S.Narayaneer

... Petitioner

Vs.

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

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

3.The Competent Authority under the
Payment of Gratuity Act Cum
Deputy Commissioner of Labour,
Office of the Deputy Commissioner,
Madurai – 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents particularly the 2nd respondent disburse the gratuity amount to the petitioner by complying / implementing with the directions issued by the 3rd respondent in P.G.No.188 of 2019 dated 12.12.2019 to disburse the balance gratuity of Rs.1,07,745/- with interest amount of Rs.4,64,491/- (from 30.06.2007 to



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16.02.2021) further comply with directions of the 1st respondent vide his circular in Na.Ka.No.22735/2018 dated 13.01.2020 within time stipulated by this Court.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2. The petitioner's husband is a retired temple employee. The petitioner's husband was working in the second respondent temple as nathaswaram player. He reached the age of superannuation on 30.06.2007. The petitioner's husband was not paid gratuity. He passed away on 29.10.2014. In these circumstances, the petitioner filed P.G.No. 188 of 2019 before the third respondent. The third respondent passed an order in favour of the petitioner on 12.12.2019. It has not been questioned in appeal.

3. All that the petitioner wants is disbursement of the award amount. The first respondent is said to have given instruction to the second respondent to comply with the order through general circular. So



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long as the order of the controlling authority is not under challenge, the employer is bound to obey the same. The second respondent is directed to pay the award amount to the petitioner together with appropriate interest within a period of eight weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed. No costs.

28.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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