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W.P.No.35243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35243 of 2024

Udayarani

...Petitioner

Vs

1. The Commissioner
Hindu Religious and Charitable Endowment Department,
Mahatma Gandhi Road, Chennai – 34.

2. The Joint Commissioner/Executive Officer,
Arulmigu Vadapalani Andavar Thirukovil,
Vadapalani, Chennai – 26.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to pay gratuity interest to the belated payment of gratuity to the petitioner from 30.06.2010 as per the Section 45 A of Tamil Nadu pension Rules 1978 and Section 7 (3) of the payment of gratuity Act 1972 and as per the circular issued by the first respondent dated 13.01.2020 and grant such other relief and pass orders.

For Petitioner : Mr.R. Rajarajan

For Respondents : Mr.S. Ravichandran
Additional Government Pleader



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ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has filed this writ petition to issue a Writ of Mandamus directing the second respondent to pay gratuity interest to the belated payment of gratuity to the petitioner from 30.06.2010 as per the Section 45 A of Tamil Nadu pension Rules 1978 and Section 7 (3) of the payment of gratuity Act 1972 and as per the circular issued by the first respondent dated 13.01.2020.

3. The case of the petitioner is that the petitioner's husband/Davamani is an retired employee from the Respondent/Corporation. The said Davamani passed away on 31.16.2010. The grievance of the petitioner is that the respondent management has settled the retirement benefits to the petitioner's husband/Davamani belatedly. Therefore, the petitioner gave a representation to the respondents on 07.12.2023 and a reminder on 25.10.2024 requesting to pay the interest for the belated payment. However, no action has been



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taken by the respondent till date. Hence this petition.

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4.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents to consider the petitioner's representation and pass orders.

5. The learned standing counsel appearing for the respondent submitted that the representation of the petitioner will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

6.Considering the facts of the case, this Court on submission made by either side counsel directs the respondent to consider the representation of the petitioner and pass orders on the claim made by the petitioner within a period of twelve weeks from the date of receipt of a copy of this Order with 6% interest per annum from the date on which the amount became due and payable till the date of disbursement. It is made clear, that if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the



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date on which the amount became due and payable till the date of disbursement.

7. With the above directions, this Writ Petition stands disposed of.

No order as to costs.

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Index: Yes/No
Speaking order/Non-speaking order
smn

To

1. The Commissioner
Hindu Religious and Charitable Endowment Department,
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2. The Joint Commissioner/Executive Officer,
Arulmigu Vadapalani Andavar Thirukovil,
Vadapalani, Chennai – 26.

V.BHAVANI SUBBAROYAN,J.

Smn



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