



WEB COPY



W.P.Nos.36127 of 2023 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

**W.P.Nos.36127, 36133, 36131, 36068, 35357, 36044, 36046, 36048, 36050,
36053, 36055, 36056, 36057, 36061, 36062, 36063, 36064, 36066, 36069, 36070,
36072, 36091, 36092, 36095, 36099, 36100, 36102, 36104 & 36129 of 2023**

W.P.No.36127 of 2023

K.Murugesan

...Petitioner

VS

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai-600 034.

2.The Additional Commissioner of Labour
cum Appellate Authority,
Labour Welfare office, 6th floor,
Teynampet, Chennai-600 006.

3. The Assistant Commissioner of Labour-II,
Office of the Assistant Commissioner of Labour,
Chennai-600 006.



W.P.Nos.36127 of 2023 etc., batch

4.The Joint Commissioner/
Executive Officer,
Arulmigu Subramaniaswamy Temple,
Thiruthani.

....Respondents

Prayer in W.P.No.36127 of 2023: Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents particularly the 4th respondent to disburse the interest at the rate of 10 percentage from 31.10.2008 to 20.05.2013 ie. Rs.76,390 /- as per 4 and Section 7(3A) of the Payment of Gratuity Act, 1972 further comply with directions of the 1st respondent vide his circular in Na.Ka.No.22735/2018/II dated 13.01.2020 within time stipulated by this Court.

For Petitioner in all W.P.Nos. : Mr.S.Venkatesh

For Respondents in all W.P.Nos. : Mr.S.Ravichandran

Additional Government Pleader (HR&CE)
for R1

Mr.P.Sanjay Gandhi, Government Advocate
for RR2 & 3

Mr.P.Gopalan
for R4



W.P.Nos.36127 of 2023 etc., batch

COMMON ORDER

In all these writ petitions the only question that arises for consideration is whether the petitioners are entitled to interest on gratuity amount from the date of their retirement till the date of application.

2. In the case of all the writ petitioners the authority had passed an order in P.G.No.51/13 to 178/13 directing the respondents to pay interest on gratuity at the rate of 10% from the date of their application till the date of actual payment. The order passed by the authority in P.G.51/2013 to 178/2013 was challenged in PGA.No.21/2018 to 148/2018 and the same was confirmed.

3. The petitioners case is that as they already received gratuity amount from the date of application to date of disbursement, they are entitled to interest from the date of retirement till the date of application.



W.P.Nos.36127 of 2023 etc., batch

4. It is seen that in similar circumstances, earlier a batch of writ petitions in W.P.No.3200 of 2023 etc. were filed by 6 persons claiming interest at the rate of 10% from the date of retirement till date of application. This Court vide common order dated 07.02.2023 directed the 4th respondent ie. Joint Commissioner/ Executive Officer to consider the representations of the petitioners and to take decision within a period of six (6) weeks from the date of receipt of a copy of the order. Pursuant to the common order of this Court the Joint Commissioner/ Executive Officer vide proceedings dated 21.08.2023 paid the interest on the gratuity as prayed for by the petitioners therein from the date of retirement till the date of application.

5. The learned counsel for the petitioners states that though this Court in the aforesaid order dated 07.02.2023 directed the Joint Commissioner to consider the representations of the petitioners, the Joint Commissioner exercise his powers and favourably considered the



W.P.Nos.36127 of 2023 etc., batch

representations and further vide the proceedings dated 21.08.2023 paid interest on gratuity to the petitioners therein from the date of retirement till the date of application. The learned counsel submits that the petitioners gave representations to the 4th respondent seeking similar relief but the same were not considered.

6. In my view, as the 4th respondent has already passed orders in favour of the petitioners in W.P.No.3200 of 2023 batch, granting them interest on gratuity from the date of retirement to the date of application instead of directing the 4th respondent to consider the petitioners representations, a positive direction should be issued to the 4th respondent to pay interest on gratuity to the petitioners herein from the date of retirement till the date of application on par with petitioners in W.P.No.3200 of 2023 batch.



W.P.Nos.36127 of 2023 etc., batch

7. In view of the above, a direction is issued to the 4th respondent to pay interest on gratuity at 10% from the date of retirement of the petitioners till the date of application within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above direction, writ petition's are disposed of. There shall be no order as to costs.

13.02.2024

Index:Yes/No

Speaking Order:Yes/no

Neutral Citation:Yes/No

dsn



W.P.Nos.36127 of 2023 etc., batch

To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai-600 034.

2. The Additional Commissioner of Labour
cum Appellate Authority,
Labour Welfare office, 6th floor,
Teynampet, Chennai-600 006.

3. The Assistant Commissioner of Labour-II,
Office of the Assistant Commissioner of Labour,
Chennai-600 006.

4. The Joint Commissioner/
Executive Officer,
Arulmigu Subramaniaswamy Temple,
Thiruthani.



WEB COPY



W.P.Nos.36127 of 2023 etc., batch

N.MALA,J.

dsn

W.P.Nos.36127, 36133, 36131, 36068, 35357, 36044, 36046, 36048, 36050, 36053,
36055, 36056, 36057, 36062, 36063, 36064, 36066, 36069, 36070, 36072, 36091, 36092,
36061,36095, 36099, 36100, 36102, 36104 & 36129 of 2023

13.02.2024