



W.P.(MD).No.4048 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.4048 of 2024

T.Sundaraiah

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam, Chennai.
2. The Deputy Commissioner / Executive Officer,
Arulmigu Sankaranarayanaswamy Thirukovil,
Sankarankovil, Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to pay the remaining gratuity amount of Rs. 67,761/- with interest of 10 percent to the petitioner within a time limit as may be stipulated by this Court by considering the representation of the petitioner, dated 26.08.2023.

For Petitioner : Mr. K.Jeyamohan

For Respondents : Mr.P.Subburaj (R1)
Special Government Pleader

Mr.V.R.Shanmuganathan (R2)
Additional Government Pleader



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ORDER

The petitioner has filed this writ petition seeking to issue a direction to the second respondent to pay the remaining gratuity amount of Rs.67,761/- with interest of 10% percentage to the petitioner within the time limit stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent. Perused the materials available on record.

3.The petitioner claimed that part of his gratuity amount to the tune of Rs.67,761/- was withheld and has not been settled so far.

4.However, the learned Additional Government Pleader appearing for the second respondent submitted that due to audit objection, the portion of gratuity amount to the tune of Rs.67,761/- was withheld and in fact, the petitioner has also given an undertaking to release the balance amount of gratuity, subject to the audit objection. Further, the Executive Officer of the



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Temple/Assistant Commissioner has addressed the Regional Audit Officer to give advice as to the release of Rs.67,761/-, which was withheld due to audit objection. So far, the petitioner has not received any clarification.

5.From the above transaction, it shows that there is no ulterior motive on the side of the respondents to retain a part of gratuity and the same was withheld only due to audit objection. However, the respondents are required to submit their explanation as to how the objected amount is not an excess payment. Whatever it may be the case, the petitioner cannot claim interest as the delay was neither wanton nor intentional.

6.Hence, the respondents are hereby directed to resubmit the proposal with clarification to the audit objection by showing the details as to how the calculation towards gratuity has been arrived at, to the Regional Audit Officer within a period of two weeks from the date of receipt of copy of this order and do the needful after getting the order from the Regional Audit Officer and Regional Audit Officer shall pass orders within a period of four (4) weeks from the date of receipt of the re-submitted proposal.



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7. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

04.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam, Chennai.
2. The Deputy Commissioner / Executive Officer,
Arulmigu Sankaranarayanawamy Thirukovil,
Sankarankovil, Tenkasi District.



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R.N.MANJULA, J.

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