



W.P.(MD)Nos.11554 to 11556 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.11554 to 11556 of 2024

W.P.(MD)No.11554 of 2024

M.Manickam Pillai

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai - 34.

2.The Joint Commissioner / Executive Officer,

Kanyakumari District Temples
Office at Suchindram.

... Respondents



W.P.(MD)Nos.11554 to 11556 of 2024

WEB COPY

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents, particularly, the 2nd respondent to disburse the gratuity amount of Rs.6,31,731/- and interest at the rate of 10% from 30.04.2011 to February, 2024 i.e. Rs.6,84,374/- further comply with directions of the 1st respondent vide his circular in Na.Ka.No. 22735/2018 dated 13.01.2020.

W.P.(MD)No.11555 of 2024

M.Agasthilingam

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai - 34.

2.The Joint Commissioner / Executive Officer,

Kanyakumari District Temples
Office at Suchindram.

... Respondents



W.P.(MD)Nos.11554 to 11556 of 2024

WEB COPY

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents, particularly, the 2nd respondent to disburse the interest at the rate of 10% from 30.07.2020 to 10.02.2021 for the part gratuity amount of Rs.8,60,111/- and the balance gratuity amount of Rs.3,13,964/- along with interest from 30.07.2020 to till realization as per Section 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 dated 13.01.2020.

W.P.(MD)No.11556 of 2024

V.Renganatha Pattar

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai - 34.



W.P.(MD)Nos.11554 to 11556 of 2024

2.The Joint Commissioner

Hindu Religious and Charitable Endowments,
Madurai.

3.The Executive Officer,

Arulmigu Venkatachalapathy Thirukoil,
Sattur.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents, to disburse the interest amount of Rs.1,55,812/- which is due to the petitioner by complying with the directions issued in P.G.No.14 of 2023 and of the 1st respondent vide his circular in Na.Ka.No.22735/2018 dated 13.01.2020.

In all Writ Petitions

For Petitioners : Mr.S.Venkatesh

For Respondents : Mr.P.Subbaraj – for R1 in

W.P.(MD)Nos.11554 & 11555 of 2024 and

for R1 to R3 in W.P.(MD)No.11556 of 2024

Special Government Pleader



W.P.(MD)Nos.11554 to 11556 of 2024

Mr.R.Shankar Ganesh - for R2 in
W.P.(MD)Nos.11554 & 11555 of 2024

COMMON ORDER

By consent of both the parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

2. Heard Mr.S.Venkatesh, learned counsel appearing for the petitioners and Mr.P.Subbaraj, learned Special Government Pleader appearing for the first respondent in W.P.(MD)Nos.11554 & 11555 of 2024 and respondents 1 to 3 in W.P.(MD)No.11556 of 2024 and Mr.R.Shankar Ganesh, learned counsel appearing for the second respondent in W.P.(MD)Nos.11554 & 11555 of 2024

3.The petitioners herein are the retired employees under the second respondent. Since the second respondent herein had disbursed only part of the gratuity amount to the petitioners, the



W.P.(MD)Nos.11554 to 11556 of 2024

interest at the rate of 10% per annum awarded by the Controlling Authority has not been paid to them. The said order of the Controlling Authority has become final. In spite of that the second respondent herein had failed to comply with the orders and the petitioners' representations in this regard were also kept pending without consideration. Hence, the writ petitions have been filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file these petitions for seeking relief through issuance of Writ of Mandamus. As the petitioners have made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India,



W.P.(MD)Nos.11554 to 11556 of 2024

the respondents are required to be given with direction to consider the representation of the petitioners' within a specified time frame.

5. In the light of the above observations, these Writ Petitions are **disposed of** with a direction to the second respondent herein to consider the petitioners' representations, dated 13.02.2024 and 20.02.2024, respectively, in the light of the 1st respondent's circular in Na.Ka.No.22735/2018 dated 13.01.2020 and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioners and it is open to the second respondent to consider the same on its own merits. No costs.

03.06.2024

NCC :yes/no
Index :yes/no
Internet:yes/no
RM



W.P.(MD)Nos.11554 to 11556 of 2024

WEB COPY

To

- 1.The Commissioner
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai – 34.
- 2.The Joint Commissioner
Hindu Religious and Charitable Endowments,
Madurai.
- 3.The Joint Commissioner / Executive Officer,
Kanyakumari District Temples
Office at Suchindram.
- 4.The Executive Officer,
Arulmigu Venkatachalapathy Thirukoil,
Sattur.



WEB COPY



W.P.(MD)Nos.11554 to 11556 of 2024

R.N.MANJULA, J.

RM

W.P.(MD)Nos.11554 to 11556 of 2024

03.06.2024