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W.P.No.1129 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.1129 of 2025

K.Subramaniyan

... Petitioner

Vs.

1.The Commissioner,
HR and CE Department,
Mahathma Gandhi Road,
Chennai – 34.

2.The Joint Commissioner / Executive Officer,
Arulmigu Devi Karumariamman Thirukovil,
Tiruverkadu,
Chennai – 77.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to pay interest for the belayed payment of gratuity to the petitioner from 22.04.2012 to 18.09.2020 as per the Section 45A of Tamil Nadu Pension Rules 1978 and Section 7(3) of the payment of gratuity act 1972 and as well as the circular issued by the 1st respondent dated 28.10.2010.



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For Petitioner : Mr.R.Rajarajan
For Respondents : Mr.K.Karthikeyan
Government Advocate
for R1
Mr.B.Balachander
for R2

ORDER

The instant writ petition has been filed with a prayer for issuing a Mandamus, to direct the 2nd respondent to pay interest for the belayed payment of gratuity to the petitioner from 22.04.2012 to 18.09.2020 as per the Section 45A of Tamil Nadu Pension Rules 1978 and Section 7(3) of the payment of gratuity act 1972 and as well as the circular issued by the 1st respondent dated 28.10.2010.

2. It is the contention of the learned counsel for the petitioner that when the petitioner, who had retired from the service of the 2nd respondent on 22.04.2012 as Assistant, made a representation dated 31.12.2024 to the respondents seeking interest for the belayed payment of gratuity. Since, there was no response from the respondents, the petitioner filed the present writ petition.



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3. The learned Government Advocate appearing for the 1st respondent would fairly submit that they would consider the said representation made by the petitioner within a reasonable time.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the 1st respondent and the learned counsel for the 2nd respondent.

5. Though there is disputed facts between the parties, taking into consideration of the fact that the representation made by the petitioner is yet to be considered, this Court without going into merits of the matter, deems it appropriate to direct the respondents to consider the representation dated 31.12.2024 on it's own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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6. In the result, this Writ Petition is disposed of with the above observations. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes/No

To

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C.KUMARAPPAN, J.

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