



W.P.No.3439 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.3439 of 2023

B. Gurunathan

.. Petitioner

Versus

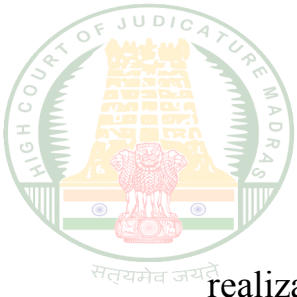
1. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai – 34

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Cuddalore.

3. The Executive Officer,
Aulmigu Kolanjiappar Thirukovil,
Manavaalanallur,
Viruthachalam District.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents particularly the 3rd respondent to disburse the gratuity amount of Rs.8,30,723/- with 10% interest from 30.04.2015 till the date of



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realization as per the order in P.G.No.157 of 2021 dated 28.02.2022

within stipulated time and pass orders.

For Petitioner : Mr.S. Venkatesh

For Respondents : Mr.K.Karthikeyan, GA

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents particularly the 3rd respective to disburse the gratuity amount of Rs.8,30,723/- with 10% interest from 30.04.2015 till the date of realization as per the order in P.G.No.157 of 2021 dated 28.02.2022 within stipulated time and pass orders.

2. The facts of the case is that the petitioner is a retired employee from the second respondent organisation. After superannuation the petitioner was not paid gratuity. Since, the amount was not settled the petitioner filed P.G.No.157 of 2021 before the Controlling Authority under Payment of Gratuity Act/Assistant Commissioner of Labour, Office of the Deputy Commissioner of Labour and the same was allowed



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with a direction to the second respondent to disburse the due amount with 10% interest from 30.04.2015. However, the respondents have not paid any amount till date. Hence, this petition.

3.The learned counsel for the petitioner submitted that even after several approaches made by the petitioner, the respondents have not disbursed the amount with interest as directed in P.G.No.157 of 2021. The first respondent vide his proceedings in Na.Ka.No.22735/2018 dated 13.01.2020 had issued a circular to all the subordinates to deposit the interest amount for the belated payment of gratuity. However, there is no progress till date. Hence, prays to allow this petition.

4. The learned Government Advocate has filed a counter wherein it has been stated that the petitioner has filed a Gratuity Application in P.G.No.157 of 2021 with enormous delay of 2030 days. It is pertinent to note that the petitioner has not assigned any sufficient reasons to entertain that gratuity application with the huge delay. It is submitted that since no notice was served on this respondent, this Gratuity Application was



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allowed setting this Respondent Ex-parte order only, the respondents came to know the happening and filed a set-aside application along with a petition to condone the delay of 65 days in filing the set-aside Application and both the Applications were allowed on 02.08.2023. Pursuant to which the respondent filed counter statement to the said Gratuity petition and now the Gratuity Application in P.G.No.157 of 2021 is pending enquiry stage and posted on 22.02.2025 for enquiry, on that date, the Executive Officer attended but as the petitioner did not attend the enquiry it is posted on 11.03.2025. Hence, prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen that the petitioner has approached the respondents for non payment of gratuity and in P.G.No.157 of 2021 and the same is pending enquiry. Whiles, the petitioner failed to appear for the enquiry on 11.03.2025. The said fact reveals the petitioner as well as the respondents are agitating the matter in the manner known to law and seeks this Court indulgence for an



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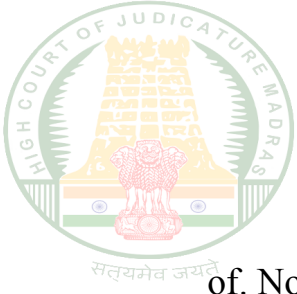
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appropriate direction to disburse the gratuity amount due to the petitioner.

7. According to the petitioner to put a quietus to the above issue, the order passed in P.G.No.157 of 2021 has to be implemented and the respondents should settle the gratuity amount due to the petitioner. The core contention of the respondent is that the petitioner did not attend the enquiry and has not followed due process of law while approaching the respondents

8. In view of the above facts, this Court directs the respondents to complete the enquiry after affording an opportunity of hearing to the petitioner and pass orders on merits and in accordance with law on or before 31.07.2025. The petitioner is directed to co-operate with the enquiry.

9. With the above observations this writ petition stands disposed



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of. No order as to costs.

17.03.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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