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W.P.No.21047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.21047 of 2025

S.Velu

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai – 30.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
9th Floor, EVK Sampath Maaligai,
College Road, Nungambakkam,
Chennai – 600006.
3. The Joint Commissioner/Executive Officer,
Arulmigu Thiyagaraja Samy Thirukovil,
Thiruvottiyur,
Chennai – 19.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to immediately disburse all the terminal benefits due to the petitioner including the gratuity as well as pension as per the provisions of Tamil Nadu Hindu



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Religious Institution (Officers and Servants) Service Rules, 1964 and as per the Defined Benefit Pension Scheme including arrears of pension along with interest for the delayed payments by considering the petitioner's representation dated 07.04.2025.

For Petitioner : Mr.R.Rajarajan

For Respondent : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE)

ORDER

The instant writ petition has been filed with a prayer for issuing a Mandamus to direct the respondents to immediately disburse all the terminal benefits due to the petitioner including the gratuity as well as pension as per the provisions of Tamil Nadu Hindu Religious Institution (Officers and Servants) Service Rules, 1964 and as per the Defined Benefit Pension Scheme including arrears of pension along with interest for the delayed payments by considering the petitioner's representation dated 07.04.2025.

2. The learned counsel for the petitioner would submit that he was appointed as Nimindham in the third respondent Temple on 30.05.1998 and



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after rendering service for more than 30 years, he retired on 31.03.2021. He would further submit that despite the long lapse of years from the date of his retirement, the respondents have not settled the retirement benefits. In this connection, he has sent a representation dated 07.04.2024 and such representation is yet to be considered by the respondents.

3. Per contra, the learned Special Government Pleader appearing for the respondents would vehemently contend that as per Rule 32 of the Tamil Nadu Hindu Religious Institutions Employees (Conditions of Service) Rules, 2020, whenever the institution follows a contributory/employees' provident fund scheme, they are not entitled for gratuity, and in this connection, the learned Special Government Pleader refers to Section 32 of the above Rule.

4. However, the learned counsel for the petitioner would submit that the amendment to this effect excluding the payment of gratuity came into effect only during 2020, whereas the petitioner was appointed during 1988; therefore, the above provision is not applicable to the petitioner.

5. Heard the learned counsel for both sides and perused the materials



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available on record.

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6. From the above submissions on either side, there are disputed contentions. However, while looking at the submission of the petitioner, his representation dated 07.04.2024 is pending consideration by the respondents.

7. In such view of the matter, without going to the merits of this Writ Petition, this Court deems it appropriate to direct the respondent to consider the petitioner's representation dated 07.05.2024, and pass orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

17.06.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1. The Commissioner,

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Nungambakkam, Chennai – 30.

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C.KUMARAPPAN, J.

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