



W.P.(MD)No.4880 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.4880 of 2022

S.S.Mani

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Registration,
Nungampakkam High Road, Chennai-600 006.

2.The Joint Commissioner / Executive Officer,
Arulmigu Meenakshi Sundareswarar Thirukoil,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to pay the gratuity remaining amount of Rs.29,472/- for the 9 years period of service in the total 39 years of service of the petitioner and the 10% of interest for the belated payment of gratuity amount from the date of retirement as per the circular of the first respondent in Na.ga.No.22735/2018/I-1 dated 13.01.2020 and fix a time frame by this Court to disburse the due amount entitled by the petitioner.



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For Petitioner : Mr.R.Ramasamy
For R-1 : Mr.P.Subbaraj,
Special Government Pleader
For R-2 : Mr.R.Murali

ORDER

This writ petition has been filed seeking for a mandamus to direct the second respondent to pay the remaining gratuity amount of Rs.29,472/- to the petitioner, together with interest at 10% per annum on a sum of Rs.1,27,710/- from the date when the said amount became due and payable.

2. According to the petitioner, as per the order dated 30.03.2017 of the original authority under the Payment of Gratuity Act, a sum of Rs.1,27,710/- was determined as due and payable by the second respondent to the petitioner towards gratuity. Aggrieved by the said order, the second respondent also preferred an appeal before the appellate authority and the appellate authority also confirmed the order of the original authority by its order dated 07.09.2021 passed in P.G.A.No.91 of 2021. Since the order determining the gratuity amount has attained finality, the petitioner sought for payment of the said amount from the second respondent. However, according to the petitioner, only part payment



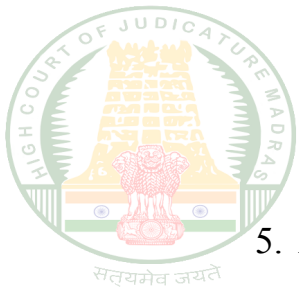
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has been made by the second respondent and a sum of Rs.29,472/- still remains

due and payable by the second respondent to the petitioner. In view of the delay in payment of the balance amount, the petitioner is also claiming interest at the rate of 10% per annum as per the statutory provision.

3. A counter-affidavit has been filed by the second respondent denying the contentions of the petitioner.

4. According to the second respondent, the petitioner has not produced any documentary evidence to prove that the petitioner rendered 39 years of service and therefore, is not eligible to get the remaining amount of Rs.29,472/- claimed for the extra 9 years. The second respondent also claims in the counter-affidavit that with regard to the issue relating to payment of gratuity to the temple employees is concerned, the same is subject matter of consideration by the Hon'ble Supreme Court in Civil Appeal Nos.4507-4508 of 2013. The second respondent also claims that they had offered the petitioner an amount of Rs.9,824/- towards balance amount, which according to the second respondent is due and payable to the petitioner, but, the petitioner refuses to receive the same.



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5. According to the second respondent, the petitioner is not entitled to claim interest in view of the refusal of the petitioner to receive a sum of Rs.9,824/- offered by the second respondent to the petitioner on 31.03.2021. Admittedly, the order directing the second respondent to pay a sum of Rs.1,27,710/- to the petitioner has attained finality, since the appellate authority under the Payment of Gratuity Act has upheld the order of the original authority which had earlier determined that a sum of Rs.1,27,710/- is due and payable to the petitioner by the second respondent towards gratuity payable under the Payment of Gratuity Act.

6. Since the gratuity amount has already been determined by the authorities concerned, the question of objecting to the said payment by the second respondent does not arise. Admittedly, out of the sum of Rs.1,27,710/- the balance of Rs.29,472/- is admittedly still due and payable to the petitioner by the second respondent towards the petitioner's balance gratuity amount. The respondents cannot raise objections at this stage with regard to the number of years of service put up by the petitioner in the second respondent Temple as the gratuity amount payable to the petitioner has already been determined by the original authority as well as the appellate authority under the Payment of Gratuity Act. Since a sum of Rs.29,472/- is still due and payable by the second



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respondent to the petitioner towards the petitioner's gratuity amount, necessarily, the interest will have to be paid, since the second respondent has committed default in payment of the gratuity amount due and payable to the petitioner as determined by the competent authorities under the Payment of Gratuity Act. It is a settled practice that the interest has to be paid at the rate of 10% per annum on the delayed payments made towards the gratuity amount.

7. Therefore, the prayer sought for in this writ petition has to be granted in favour of the petitioner by issuing a mandamus to the second respondent to pay the remaining gratuity amount payable to the petitioner i.e., a sum of Rs. 29,472/- together with interest at 10% per annum on Rs.1,27,710/-, which was the amount determined by the authorities under the Payment of Gratuity Act due and payable to the petitioner from the date of the petitioner's retirement. The aforesaid amount shall be paid by the second respondent to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is allowed. No costs.

18.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

The Commissioner,
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ABDUL QUDDHOSE, J.

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