



WP(MD). Nos.24520 to 25423 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.09.2025

CORAM

**THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**WP(MD). Nos.24520 to 24523 of 2025**

|                       |                                          |
|-----------------------|------------------------------------------|
| K.Swaminathan         | ... Petitioner in WP(MD)No.24520 of 2025 |
| S.Srinivasan          | ... Petitioner in WP(MD)No.24520 of 2025 |
| T.S.V.Sivasubramanian | ... Petitioner in WP(MD)No.24520 of 2025 |
| V.S.Chandrasekaran    | ... Petitioner in WP(MD)No.24520 of 2025 |

Vs.

1. The Commissioner,  
Hindu Religious and Charitable  
Endowment,  
No.119, Uthamar Gandhi Road,  
Nungambakkam, Chennai.

2. The Joint Commissioner/  
Executive Officer,  
Arulmigu Swaminatha Swami Thirukoil,  
Swamimalai, Thanjavur District.

... Respondents

PRAYER in WP(MD)No.24520 of 2025 :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the of impugned orders of the 2nd respondent in Na.Ka.No.0466-1/2019/A1 dated 09.07.2025 and quash the same, consequently direct the 2<sup>nd</sup>



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respondent to pay the interest of 10 percent for the belated payment of gratuity to the petitioner from 31.03.2013 to 04.03.2020 as per section 7(3A) of the payment of gratuity act, 1972 and as per the circular of the 1<sup>st</sup> respondent dated 31.05.2019.

PRAYER in WP(MD)No.24521 of 2025: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned orders of the 2nd respondent in Na.Ka.No.0466-3/2019/AA1 dated 09.07.2025 and quash the same consequently direct the 2<sup>nd</sup> respondent to pay the interest of 10 percent for the belated payment of gratuity to the petitioner from 31.05.2014 to 04.03.2020 as per section 7(3A) of the payment of gratuity act 1972 and as per the circular of the 1st respondent dated 31.05.2019.

PRAYER in WP(MD)No.24522 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the of impugned orders of the 2nd respondent in Na.Ka.No.0466-3/2019/A1 dated 09.07.2025 and quash the same consequently direct the 2<sup>nd</sup> respondent to pay the interest of 10 percent for the belated payment of gratuity to the petitioner from 31.01.2013 to 04.03.2020 as per section 7(3A) of the payment of gratuity act 1972 and as per the circular of the 1<sup>st</sup> respondent dated 31.5.2019.

PRAYER in WP(MD)No.24523 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified



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Mandamus calling for the records pertaining to the of impugned orders of the 2nd respondent in Na.Ka.No.0466-2/2019/A1 dated 09.07.2025 and quash the same consequently direct the 2<sup>nd</sup> respondent to pay the interest of 10 percent for the belated payment of gratuity to the petitioner from 31.03.2015 to 04.03.2020 as per section 7(3A) of the payment of gratuity act 1972 and as per the circular of the 1<sup>st</sup> respondent dated 31.5.2019.

(In all WPs)

For Petitioner : Mr.P.Rajagopalan,

For Respondents : Mr.P.Subburaj,  
Special Government Pleader for R1

: Mr.V.Chandrasekaran for R2

### **COMMON ORDER**

The learned counsel for the petitioners would submit that the petitioners were employed in the second respondent temple and were also superannuated from service. However, the terminal benefits were disbursed to the petitioners beyond the statutory period, for which, the petitioners are entitled for interest. However, without considering the claim of the petitioner, the respondent had rejected the claim by holding that the petitioner's claim for interest is barred by limitation. He would also submit that the Court while disposing of the writ petition filed by the



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petitioner earlier had categorically held that the petitioner is entitled for the interest for belated payment as per the provisions of the Gratuity Act, 1972 (herein after referred to “the Act”) and as such had directed the respondent to consider the representation and pass orders in accordance with law within a period of four weeks and therefore, he prays this Court to direct the respondent to pay interest on the belated payment of gratuity from the date of which the petitioners are entitled to and the date on which the actual release which was made.

2. Countering the arguments, Mr.V.Chandrasekar, learned counsel for the second respondent, would submit that having accepted the payment of gratuity without claiming interest as early as in the year 2020, the claim for interest by the petitioners after a period of five years would be hopelessly barred by law of limitation and therefore, the request of the petitioners had been rightly rejected by the second respondent. He would further submit that having accepted the gratuity amount, without any protest, the petitioners are not entitled for interest that too at the belated stage, hence, he prays this Court to dismiss these writ petitions.

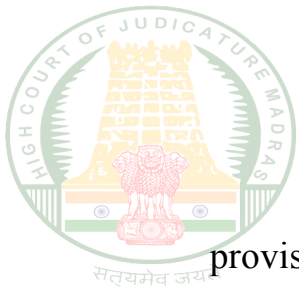


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3. I have considered the arguments advanced by the learned counsel on either side and perused the materials available on record.

4. Admittedly, there is no dispute with regard to the belated payment of gratuity. Section 7 (3) of the Payment of Gratuity Act, 1972, envisages that the employers shall arrange to pay the amount of gratuity within thirty days from the date it becomes payable to the person to whom the gratuity is payable. Subsection (3A) envisages simple interest at such rate as fixed by the Government. Such gratuity was not paid within the specified period under Section 7(3) the petitioners have all superannuated longback and as such they are entitled to receive their gratuity within 30 days from the date of their superannuation. However, it is not disputed that the gratuity amount had not been paid within the said 30 days and that the same had been paid belatedly only in 2020 and hence, they are all entitled for a statutory interest under Sub-section 3(A) of Section 7 of the Act.

5. When the petitioners are statutorily entitled to, it is the duty of the employer to pay the gratuity as per the Act and if not paid as per



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proviso to Subsection (2) of Section 9 the Act, an employer can be punished with an imprisonment for a term which shall not be less than six months but which may extend to two years, for non payment of any gratuity, which is a penal provision. Since the respondents have admitted that there is a delay which had not been caused, due to the conduct of the petitioner, who was an employee, the exemption granted to proviso (3A) of the Act cannot be extended to the respondent and therefore, the second respondent could also be prosecuted under the provisions of Section 9 of the Act.

6. The issue of limitation as put forth by the second respondent in the present case is a misconception and a fallacy. When it is a duty of the respondent to disburse the gratuity within a specified time and if there is a delay in that regard, he is also liable to pay interest on the same. Non payment of gratuity or interest is also a penal offence under Section 9(2) of the Act. Therefore, the contention raised that the claim is beyond the period of limitation would necessarily have to fail.



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7. For the aforesaid reasons, there shall be a direction to the second respondent to pay 10% interest on the belated payment of gratuity to the petitioners from the date of gratuity receivable /due date of actual payment of gratuity. Such interest shall be paid by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, these Writ Petitions stand allowed.

No order as to costs.

**24.09.2025**

Index: Yes/No  
Internet: Yes/No  
NCC: Yes/No  
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**K.KUMARESH BABU,J**

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TO

1. The Commissioner,  
Hindu Religious and Charitable  
Endowment, No.119, Uthamar Gandhi Road,  
Nungambakkam,  
Chennai..

2. The Joint Commissioner/,  
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