



W.P(MD) Nos.6593 to 6599 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 26.03.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) Nos.6593 to 6599 of 2026

W.P(MD) No.6593 of 2026

V.Kannan

... Petitioner

Vs.

1.The Commissioner

**Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.**

2.The Joint Commissioner/ Executive Officer,

Arulmigu Swaminatha Swami Thirukovil

Swamimalai,

Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to pay the interest of 10% for the belated payment of gratuity

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to the petitioner from 30.06.2008 to 06.03.2020 as per Section 7(3A) of the Payment of Gratuity Act, 1972 and as per the circular of the 1st respondent dated 31.5.2019 to the petitioner on the basis of the petitioner's representation dated 16.01.2026.

W.P(MD) No.6594 of 2026

R.Santhanam

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to pay the interest of 10% for the belated payment of gratuity



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to the petitioner from 31.05.2009 to 06.03.2020 as per Section 7(3A) of the Payment of Gratuity Act, 1972 and as per the circular of the 1st respondent dated 31.5.2019 to the petitioner on the basis of the petitioner's representation dated 16.01.2026.

W.P(MD) No.6595 of 2026

K.Raju

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to pay the interest of 10% for the belated payment of gratuity



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to the petitioner from 30.06.2018 to 11.02.2021 as per Section 7(3A) of the Payment of Gratuity Act, 1972 and as per the circular of the 1st respondent dated 31.5.2019 to the petitioner on the basis of the petitioner's representation dated 16.01.2026.

W.P(MD) No.6596 of 2026

T.Kumar

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to pay the interest of 10% for the belated payment of gratuity



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to the petitioner from 31.03.2017 to 11.02.2021 as per Section 7(3A) of the Payment of Gratuity Act, 1972 and as per the circular of the 1st respondent dated 31.5.2019 to the petitioner on the basis of the petitioner's representation dated 16.01.2026.

W.P(MD) No.6597 of 2026

S.Anandhavalli

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd



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respondent to pay the interest of 10% for the belated payment of gratuity to the petitioner from 31.05.2016 to 11.02.2021 as per Section 7(3A) of the Payment of Gratuity Act, 1972 and as per the circular of the 1st respondent dated 31.5.2019 to the petitioner on the basis of the petitioner's representation dated 16.01.2026.

W.P(MD) No.6598 of 2026

M.Pichaiammal

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.

2.The Joint Commissioner/ Executive Officer,

Arulmigu Swaminatha Swami Thirukovil
Swamimalai,

Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd



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respondent to pay the interest of 10% for the belated payment of gratuity to the petitioner from 30.06.2018 to 13.07.2021 as per Section 7(3A) of the Payment of Gratuity Act, 1972 and as per the circular of the 1st respondent dated 31.5.2019 to the petitioner on the basis of the petitioner's representation dated 16.01.2026.

W.P(MD) No.6599 of 2026

K.Vasudevan

... Petitioner

Vs.

1.The Commissioner

Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.

2.The Joint Commissioner/ Executive Officer,

Arulmigu Swaminatha Swami Thirukovil
Swamimalai,

Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd



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respondent to pay the interest of 10% for the belated payment of gratuity to the petitioner from 30.09.2013 to 10.11.2022 as per Section 7(3A) of the Payment of Gratuity Act, 1972 and as per the circular of the 1st respondent dated 31.5.2019 to the petitioner on the basis of the petitioner's representation dated 16.01.2026.

In all writ petitions

For Petitioners : Mr.P.Rajagopalan

For Respondents : Mr.J.K.Jeyaselan – for R1
Government Advocate
Mr.R.Murali – for R2
Standing Counsel

COMMON ORDER

As the issue that arises for consideration in all these writ petitions is one and the same, all the writ petitions are taken up for consideration and are being disposed of by this common order.

2. When these matters earlier came up for consideration before this Court on 11.03.2026, this Court having taken note of an



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earlier order passed by the Co-ordinate Bench of this Court in W.P. (MD)Nos.24520 of 2025 and batch dated 24.09.2025 directed the respondents to file counter affidavit positively by today.

3. When these matters are taken up for consideration today, the learned counsel appearing for the respondent No.2 unable to dispute the fact that the issue is squarely covered by the order referred to herein above. The claim of the petitioner in the batch of writ petitions is for payment of interest on the delayed payment of gratuity amount, in terms of Section 7(3A) of the Payment of Gratuity Act 1972. The very same issue has fallen for consideration before this Court in the above referred order and the Co-ordinate Bench of this Court and in the said order it was held as under :

“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 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 putforth by the second respondent in the present case is a misconception and a



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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.

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.”

4. However, learned Standing Counsel appearing for respondent No.2 strenuously contended that the very issue whether the respondent No.2 Temple would fall within the meaning of establishment as defined under the provisions of Payment of Gratuity Act, 1972 or not is pending for consideration before the Hon’ble Apex Court in Civil Appeal Nos.004507 to 004508 of 2013, and the said matter is already heard by nine Judges Bench of the Hon’ble Apex Court on 19.3.2026 and

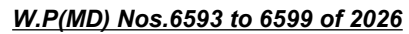


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orders are reserved. Hence, the learned counsel submits that the present batch of writ petitions can await the result in the above referred civil appeal. According to the learned counsel, in case if the Hon'ble Apex Court came to the conclusion that the Temple wouldn't fall under the definition of establishment under the provisions of Act, 1972, the claim of the petitioner in the present writ petitions does not survive.

5. However, learned counsel for the petitioner contended that the the first respondent has issued various circulars, including circular No.Na.ka.No.22735/2018/i1 dated 31.05.2019 and circular No Na.ka.No.22735/2018/i1 dated 13.01.2020, directing all the Executive Officers and others to disburse the gratuity in terms of the provisions contained in Payment of Gratuity Act, 1972 notwithstanding pendency of the matter before the Hon'ble Apex Court and however, subject to result of the same.

6. In the light of the circulars issued by the first respondent and in the light of the orders passed by the Co-ordinate Bench of this



7. In the light of the above, the entitlement of the petitioners to interest on the delayed payment of gratuity cannot be denied to them as they are entitled for the same. Accordingly, all the writs are allowed, directing the second respondent to pay interest for the period in payment of gratuity, simple interest at the rate of 12 per annum as expeditiously as possible, at any rate, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this order is subject to the orders to be issued by the Hon'ble Apex Court in Civil Appeal Nos.004507 to 004510 of 2013, in case if the temple is held to be not an establishment. The meaning of provisions contained in Payment of Gratuity Act, 1947 shall be interpreted in accordance with the said orders.



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1972, then the second respondent need not comply with this order. No costs.

26.03.2026

Index : Yes / No
Internet : Yes / No
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Chennai.

- 2.The Joint Commissioner/ Executive Officer,
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Swamimalai,
Thanjavur District.



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MUMMINENI SUDHEER KUMAR, J.

RM

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26.03.2026