



W.P.(MD)No.13499 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **11.08.2026**

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THE HONOURABLE **MR.JUSTICE RAJNISH PATHIYIL**

W.P.(MD)No.13499 of 2018

and

W.M.P(MD)No.12301 of 2018

J.Nagarajan

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Srirangam,
Trichy - 6.

3.The Hereditary Trustee,
Arulmighu Sri Prasanna Venkatachalapathy Deity and Temple,
Gunaseelam,
Musiri Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd Respondent to permit the petitioner to join duty/retirement from service with all attendant benefits till the date of join duty/retirement by considering the representation of the petitioner dated 12.02.2016 and in



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accordance with order of the 1st respondent in R.P.No.132/2016 D2 dated 12.07.2016.

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For Petitioner : Mr.C.Guhaseelarupan
For R-1 & R-2 : Mr.P.Pethu Rajesh
Additional Government Pleader
For R-3 : Mr.G.Kandha Vadivelan

ORDER

Heard Mr.C.Guhaseelarupan, learned Counsel for the petitioner, Mr.P.Pethu Rajesh, learned Additional Government Pleader for Respondents 1 and 2 and Mr.G.Kandha Vadivelan, learned Counsel for the 3rd Respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the 3rd Respondent to permit the petitioner to join duty/retire from service with all attendant benefits till the date of joining duty/retirement by considering the representation of the petitioner dated 12.02.2016 and in accordance with order of the 1st respondent in R.P.No.132/2016 D2 dated 12.07.2016.

3. It is the case of the petitioner that the delinquent employee had committed certain misconducts, for which punishment was



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imposed upon him. Aggrieved by the said punishment, the petitioner preferred an appeal before the 2nd respondent. The 2nd respondent set aside the order of dismissal and directed reinstatement of the petitioner in service, however, without back wages. Aggrieved by the said order, the 3rd respondent preferred a revision before the 1st respondent. The 1st respondent dismissed the said revision, thereby confirming the order passed by the first appellate authority.

4. In the interregnum, the writ petitioner, viz., J.Nagarajan, also filed the present Writ Petition seeking implementation of the said order and consequential benefits. During the pendency of the Writ Petition, the petitioner died on 06.09.2024, as evidenced by the Death Certificate dated 25.09.2024 issued by the Registrar of Births and Deaths, Madakudi Village Panchayat.

5. It is also the contention of the learned counsel for the petitioner that, after the demise of the petitioner, one Karpooora Sundramani, claiming to be the nephew of the deceased petitioner, has staked a claim to the retiral benefits and other benefits that were withheld pursuant to the departmental action taken against the writ petitioner.



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6. The learned counsel for the petitioner, though aware of the fact that the petitioner is no more, does not wish to pursue the matter on merits. I have simultaneously considered the contentions raised in W.P.(MD)No.14493 of 2016, which challenges the order of the Revisional Authority, and dismissed the same.

7. I find that the impleading applicant, namely, Karpoor Sundaramani, who claims to be the legal representative of the deceased writ petitioner, has to establish his right before the competent Civil Court, as otherwise, his claim would affect the rights vested in the Class-II legal heirs.

8. In the event the said Karpoor Sundaramani is able to establish his right before the competent Civil Court, the retirement benefits due to the deceased petitioner may be released to him. In the event he fails to establish his right, the Class-II legal heirs of the deceased petitioner would be entitled to the benefits that accrues to him.



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9. The respondents are directed to deposit the entire retirement benefits that have been withheld and which became payable to the deceased petitioner consequent upon the order setting aside the punishment, within a period of two months from the date of receipt of a copy of this order, together with simple interest at the rate of 6% per annum on the amount due.

10. Upon establishing their respective rights before the competent Civil Court, the impleading applicant, if he succeeds in establishing his claim, shall be entitled to receive the retirement benefits along with the accumulated interest thereon.

11. In the event any such suit is filed, the impleading petitioner shall implead all the legal heirs who would otherwise be entitled to the said benefits as necessary parties/defendants to the suit.

12. In case the impleading petitioner, viz., Karpooa Sundaramani, files a suit to establish his claim as the adopted son of the deceased J.Nagarajan, the Temple authorities are at liberty to inform all the Class-II legal heirs of the deceased J.Nagarajan, about the proposed disbursement of the retirement benefits.



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13. If there is no dispute with regard to the estate among the legal heirs of the deceased petitioner, the retirement benefits may be disbursed after obtaining the necessary undertakings, indemnities, or other appropriate documents from the concerned legal heirs.

14. However, in case the impleading petitioner proposes to institute a suit in respect of his claim as the adopted son of the deceased J.Nagarajan, the procedure to be followed for settlement of the retirement benefits shall be in accordance with the directions already set out above.

15. In view of the above direction, this Writ Petition is **disposed of**. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

16. The respondents are directed to file a compliance affidavit before this Court after complying with the aforesaid direction.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

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RAJNISH PATHIYIL, J.

Nsr

Order made in
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