

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

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THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.16329 of 2015

And

M.P.No.1 of 2015

A.R.Manivannan

... Petitioner

Vs.

1. Joint Commissioner
Hindu Religious and Charitable Endowments
Department Vellore-9.
2. Sri Sadagoba Ramanuja Swamy
Jeer Swamy Periya Jeer Swamy Mutt No.227
Sri Govindaraja Perumal North Mada Street
Tirupathy Andhra Pradesh-617 501.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the respondents culminating in the impugned order dated 01.06.2015 made by the 2nd respondent together with the enclosure in Na.Ka.No. 2726/2014/E1 dated 21.05.2015 passed by the 1st respondent quash the same.

For Petitioner : Mr.M.Sundar
for M/s.K.Ashok Kumar

For Respondents : Mr.M.L.Mahendran for R1
Government Advocate (HR & CE)

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O R D E R

Heard both sides. Mr.M.L.Mahendran, learned Government Advocate (HR & CE) takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal.

2.The learned counsel for the petitioner has submitted that the impugned order dated 21.05.2015 issued by the Joint Commissioner of Hindu Religious and Charitable Endowments Department, Vellore placing the petitioner under suspension was issued under Section 56(2) of the Hindu Religious and Charitable Endowments Act. According to him, though it is stated as if it is suspension pending enquiry, it amounts to punishment as Section 56(2) is referred to in the impugned order. The impugned order states that the petitioner is placed under "தற்காலிக பணிநீக்கம் ". But it is issued under Section 56(2) of the Hindu Religious and Charitable Endowments Act. Section 56(2) of the Hindu Religious and Charitable Endowments Act is extracted as under:

"52(2) Any office-holder or servant punished by a trustee under sub-section (1) may, within one month from the date of the receipt of the order by him, appeal against the order to the Joint Commissioner or the Deputy Commissioner, as the case may be."

3.As rightly contended by the learned counsel for the petitioner, no order placing the petitioner under suspension pending departmental proceeding could be issued under Section 56(2) of the Hindu Religious and Charitable Endowments Act as Section 56(2) of the Hindu Religious and Charitable Endowments Act is nothing to do with the order placing an employee under suspension pending departmental action.

4.In view of the same, I am inclined to interfere with the impugned order. It is not the view of the Court that the first respondent or the second respondent could not place the petitioner under suspension for the allegations that were made in the impugned order. The impugned order is interfered only on the ground that Section 56(2) of the Hindu Religious and Charitable Endowments Act is erroneously invoked. Hence, the impugned order is quashed and the first respondent is at liberty to pass fresh order, if he is so advised invoking appropriate provisions of law.

5.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. Joint Commissioner
Hindu Religious and Charitable Endowments
Department Vellore-9.
2. Sri Sadagoba Ramanuja Swamy
Jeer Swamy Periya Jeer Swamy Mutt No.227
Sri Govindaraja Perumal North Mada Street
Tirupathy Andhra Pradesh-617 501.

+lcc to Mr.K.Ashok Kumar, Advocate, S.R.No.28037
+lcc to the Special Government Pleader, S.R.No.28511

W.P.No.16329 of 2015
And
M.P.No.1 of 2015

SAI (CO)
CA(17/06/2015)



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