

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8597 of 2014
& M.P.No.1 of 2014

D.Sekar

.. Petitioner

Vs.

1. The Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2. The Additional Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Vellore.

3. The Assistant Commissioner/Executive Officer,
Arulmigu Lakshmi Narasimhar Thirukoil,
Sholingar-631 102,
Vellore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to consider the representation, dated 20.05.2013 and to take necessary action to settle all pending dues to the petitioner, within a time frame to be fixed by this Court.

For Petitioner :Mr.G.L.Ramshankar

For Respondents:Mr.M.Maharaja, Spl.G.P. for RR-1 & 2
M/s.A.S.Kailasam & Associates for R-3

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to consider the representation, dated 20.05.2013 and to take necessary action to settle all pending dues to the petitioner, within a time frame to be fixed by this Court.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he was a Priest in Arulmighu Kamala Vinayagar Temple, which comes under the control of the Hindu Religious and Charitable Department. After putting in 42 years of service in the Temple, he retired from service on 31.03.2010, after which, he had not been receiving pension and has not received any pending dues which are entitled to him after retirement. It is the petitioner's further case that one Mr. Anthony alias Narasingarajan, who was working in the Temple as a Clerk, took the petitioner's signature for opening Service Register in his name and collected SSLC certificate of the petitioner. The said Anthony never used to regularly pay the petitioner's salary and was misappropriating the Temple funds, for which, no action was taken against him. Even after four years of his retirement, the petitioner had not received any pension, PF and other dues till date. Before retirement, he opened a Savings Bank Account in the State Bank of India bearing A/c.No.31122241777, which was duly informed to the said Clerk Anthony. In spite of several requests, pension and other dues had not been settled to the petitioner. His files relating to pension, etc., had not been sent to the concerned Department for action. It is the further case of the petitioner that the loan (s) taken from the Provident Fund account of the petitioner, had been duly paid by recovery from his monthly salary. The petitioner gave a detailed representation, dated 20.05.2013 to the first respondent detailing all particulars regarding his settlement of dues, P.F. amount, salary, pension, etc. On receipt of the said representation by the first respondent, the first respondent, by proceedings dated 12.06.2013 directed the Joint Commissioner of H.R. & C.E. Vellore, to take necessary action. This direction had not been complied with till date. The petitioner's grievance is that due to paucity of funds and non-receipt of pension, etc., he is unable to meet his family expenses including his medical expenses. Hence, the petitioner has preferred this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case, the petitioner is directed to give a copy of the said representation, dated 20.05.2013 to the Joint Commissioner of Hindu Religious and Charitable Endowments Department, Vellore, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such representation, the Joint Commissioner shall consider the said representation, on merits and in accordance with law, and pass appropriate orders with regard to sanction of pension and other necessary dues to him, within a period of six weeks

from the date of receipt of a copy of such representation and also by taking into account the proceedings of the first respondent in Aathimu.31534/2013/H3, dated 12.06.2013 sent to the Joint Commissioner.

5. With the above observations and directions, the Writ Petition is disposed of. No costs. The Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Copy to

1. The Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
2. The Additional Commissioner,
The Hindu Religious and Charitable
Endowments Department, Vellore.
3. The Assistant Commissioner/Executive Officer,
Arulmigu Lakshmi Narasimhar Thirukoil,
Sholingar-631 102, Vellore District.
4. The Joint Commissioner,
The Hindu Religious and Charitable
Endowments Department,
Vellore.

+2cc to Mr.Ramshankar, Advocate sr.63793
+1cc to Mr.A.S.Kailasam, Associates63147

kgk[co]
srg 25/11/2016

W.P.No.8597 of 2014