

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.07.2016
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22724 of 2016
And
W.M.P.No.19417 of 2016

B.Umapathy Gurukkal

... Petitioner

Vs.

- 1 The Joint Commissioner
Hindu Religious and Charitable Endowment
(Admn) Dept,
Salem.
- 2 The Fit Person/ Assistant Commissioner
A/m. Asaladeepeswarar Temple
Mohanur Village,
Namakkal Taluk and District
- 3 The Executive Officer
A/m. Asaladeepeswarar Temple
Mohanur Village,
Namakkal Taluk and District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order of placing the petitioner under interim suspension passed by the Fit person, 2nd respondent herein issued in Se.Mu.Nada No.1/2016 dt 10.05.2016 and quash the same.

For Petitioner : Mr.W.C.Thiruvengadam

For Respondents : Mr.K.V.Dhanapalan
Additional Government Pleader
(HR & CE)

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he is performing pooja service in Arulmighu Asaladeepeswarar Temple, Mohanur Village, Namakkal Taluk and District as Poojari/ Gurukkal for the past 37 years and according to him, the Temple is not being maintained properly even by the Executive Officer appointed for the said Temple.

3.The petitioner would further state that the Executive Officer of the said Temple had framed charges against him and it was put to challenge in W.P.No.21047 of 2013 and vide order dated 31.07.2013, the writ petition was allowed. Subsequently, one C.Ramesh had filed W.P.No.1639 of 2016 praying for issuance of writ of mandamus praying for appropriate direction against the petitioner and it was disposed of and in pursuant to the order, the second respondent had conducted an enquiry and vide proceedings dated 10.05.2016, has placed the petitioner under suspension, pending finalisation of the enquiry and challenging the legality of the order, came forward to file this writ petition.

4.Mr.W.C.Thiruvengadam, learned counsel appearing for the petitioner, has drawn the attention of this Court to Section 56 (1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act and would submit that under the said provision, the second respondent is not vested with power to place the petitioner by way of interim suspension and he would further add that the period of suspension is also not stipulated and challenging the legality of the order, the petitioner has also filed an appeal before the first respondent and the said appeal is yet to be taken on file on the ground it is not maintainable and therefore, prays for appropriate orders.

5.Per contra, Mr.K.V.Dhanapalan, learned Additional Government Pleader (HR & CE), who accepts notice on behalf of the respondents would submit that the respondent who has the power to dismiss from service also have the power to suspend and taking into consideration, the conduct of the petitioner, he was rightly placed under suspension, pending conclusion of the disciplinary proceedings and prays for dismissal of the writ petition.

6.This Court heard the rival submissions and also perused the materials placed before it.

7.It is also the further submission of the learned counsel appearing for the petitioner that the petitioner had submitted his explanation to the charges framed against him and witness were also examined. Hence, there cannot not be any impediment on the part of the second respondent to conclude the enquiry and pass final orders within a stipulated time frame.

8.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected either by the petitioner or by the second respondent, directs the second respondent to conclude the disciplinary proceedings initiated against the petitioner vide Se.Mu.Nada No.1/2016 dated 10.05.2016 in accordance with law as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Joint Commissioner
Hindu Religious and Charitable Endowment
(Admn) Dept, Salem.
- 2 The Fit Person/ Assistant Commissioner
A/m. Asaladeepeswarar Temple
Mohanur Village,
Namakkal Taluk and District.
- 3 The Executive Officer
A/m. Asaladeepeswarar Temple
Mohanur Village,
Namakkal Taluk and District.

+ 1 cc to Mr.W.C.Thiruvengadam, Advocate Sr 37051

KR/6/7/16

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