

W.M.P.No.37230 of 2016

in

W.P.No.43372 of 2016

B.RAJENDRAN,J.

Learned counsel for the petitioner submitted that even though the suspension order was challenged in A.P.No.17 of 2015, the said appeal was disposed of directing the Joint Commissioner, H.R. & C.E. Department, to finalise the disciplinary proceedings initiated against the appellants before 29.02.2016 after affording an opportunity of hearing to the parties. But, till date, the disciplinary proceedings have not been concluded. In the meanwhile, to avoid loss of cash, the petitioner sought permission to open the Temple Hundiya.

2. It is his further submission that instead of appointing a fit person to open the Hundiya, the respondents have appointed a Thakkar, who is a hereditary Trustee and he has no objection for the authority to open the Hundiya and verify and make record of everything, but that should be done in the presence of the Inspector of H.R. & C.E.

3. Learned Special Government Pleader appearing for the respondents submitted that the 3rd respondent was appointed as Thakkar on 29.09.2015 and he was directed to take charge for opening of the Hundiya and the day-to-day administration of the Temple.

4. It is seen that even as per the impugned order, the Thakkar has been directed to take charge of opening of the Hundiya and the day-to-day administration of the Temple. The petitioner has sought to stay the impugned order only to the limited extent of taking charge of the Thakkar.

5. Hence, this Court is inclined to grant an order of interim stay, subject to the following conditions:

(i) The Trustees shall not act independently, but they shall co-operate with the Thakkar and conduct the day-to-day affairs of the Temple;

(ii) The Hundiya shall be opened in the presence of the Inspector, H.R. & C.E. Department;

(iii) The amount, inclusive of Rs.500 and Rs.1000 currencies shall be counted and deposited in the Bank in the name of the Temple on or before 31.12.2016;

(iv) Complete record of the amount collected in the Hundiya shall be maintained;

(v) The petitioner shall co-operate with the H.R. & C.E. Officials for opening the Hundiya;

Notice.

16.12.2016

Note to Registry:

Issue copy of this order on or before 19.12.2016.

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