

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.37168 & 37169 of 2016

S.Selvam

... Petitioner in
W.P.No.37168 of 2016

R.Ganga

... Petitioner in
W.P.No.37169 of 2016

Vs

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Nungambakkam,
Chennai-600 034
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Salem-636 001
- 3.The Assistant Commissioner/Executive
Officer,
Arulmigu Narasimma Swamy Temple,
Namakkal,
Namakkal District

... Respondents in
both the W.Ps.

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to regularize the petitioners' service in the 3rd respondent temple based on the proceedings letter in Ne.Mu.Ka.No.52261/ 2012/II, dated 25.08.2014, on the file of the first respondent and stipulated time may be fixed by this Court.

For Petitioner : Mr.R.Murugabharathi,
in both the writ petitions.

For Respondents : Mr.M.Maharaja,
Spl.G.P.(HR & CE),
in both the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents to regularize their service in the third respondent temple based on the proceedings letter in Ne.Mu.Ka.No.52261/ 2012/I1, dated 25.08.2014, on the file of the first respondent within a stipulated time that may be fixed by this Court.

3. It is the case of the petitioners that they were appointed as Night Watchman and Cook respectively on daily wage basis in the third respondent temple in the year 2006 and 2002 respectively. The third respondent has also maintained the daily wage workers attendance register viz., Nominal Muster Roll. According to the said register, the petitioners have been regularly working in the third respondent temple without any absence. Hence, they have sent representations to the third respondent to regularize their service and the same was not considered. Subsequently, the first respondent vide proceedings dated 25.8.2014 ordered that the service of the daily wage workers, who have completed five years of service, has to be regularized and regular time scale of pay has to be fixed. Though the petitioners have completed 11 years and 15 years of service, their services were not regularized. However, the service of their junior one Pavunampal was regularized by the third respondent temple on 2.9.2016. In this regard, they sent a representation dated 27.9.2016 to the respondents seeking regularization. Since the same was not considered so far, left with no other alternative, the petitioners have come up with the present writ petition.

4. I have heard the learned counsel appearing for the petitioners and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioners, this Court directs the petitioners to send a fresh representation along with a copy of this order to the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the said representations seeking regularization of the service of the petitioners and pass appropriate orders, on merits and in accordance with law and also in the light of the proceedings of the first respondent in letter No Ne.Mu.Ka.No.52261/ 2012/I1, dated 25.08.2014

within a period of eight weeks thereafter. Both the writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

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

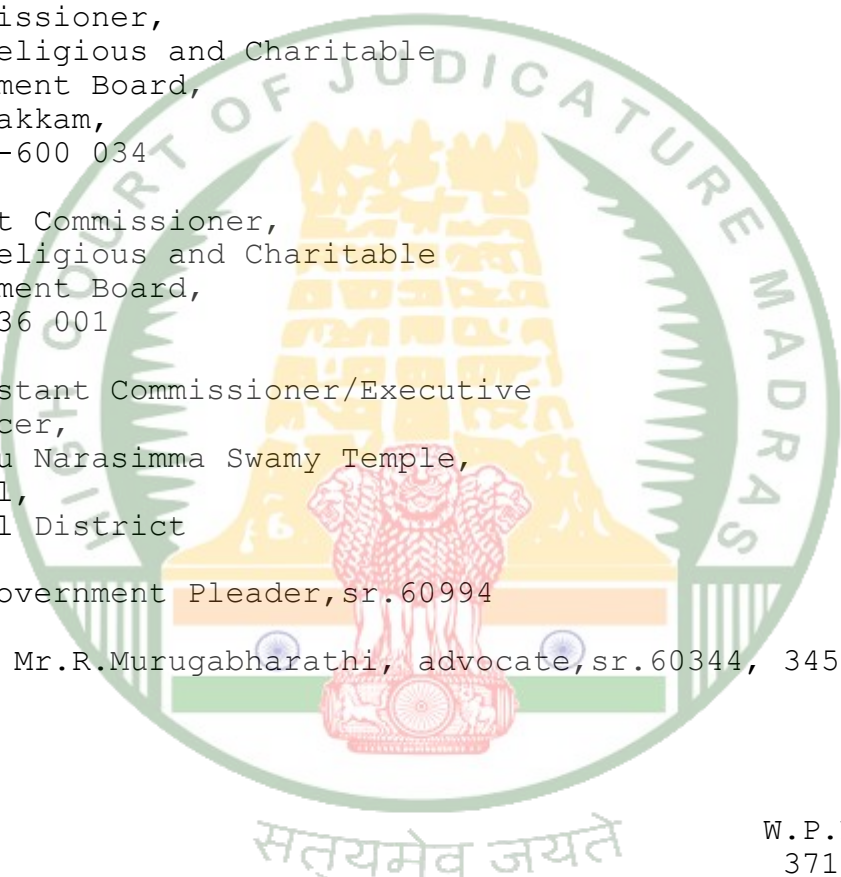
2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Salem-636 001

3.The Assistant Commissioner/Executive
Officer,
Arulmigu Narasimma Swamy Temple,
Namakkal,
Namakkal District

+1 cc to Government Pleader, sr.60994

+2 cc's to Mr.R.Murugabharathi, advocate, sr.60344, 345

msm(co)
krd 21/11



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