

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.4260 of 2016

D.Kirubakaran

.. Petitioner

vs

1. The Executive Officer
Arulmighu Nageswarasamy Koil
Kumbakonam.
2. Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Mayiladuthurai.
3. Commissioner
Hindu Religious and Charitable
Endowment Department
Nungambakkam
Chennai.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the third respondent, Commissioner, Hindu Religious and Charitable Endowment Department to regularize the petitioner's services in HR & CE Department.

For Petitioner : Mr.N.Suriya Muthu

For Respondents: Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

The petitioner, Mr.D.Kirubakaran, who was temporarily appointed as an Accountant cum writer in the first respondent temple on the basis of the order dated 24.05.2011 passed by the Joint Commissioner of Hindu Religious and Charitable Endowment,

Mayiladuthurai with effect from 01.05.2011 on daily wage basis has come before this Court seeking regularisation of his service in the Hindu Religious and Charitable Endowment Department.

2. The averment made in the affidavit attached to the writ petition shows that the petitioner was temporarily suspended from service with effect from 15.10.2012; but the petitioner has not stated whether he has been reinstated into service or not. On the other hand, Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who took notice on behalf of the respondents by drawing the attention of this Court to the order of appointment dated 24.05.2011 issued by the second respondent herein would submit that the petitioner was only appointed on a temporary basis with a specific terms mentioned therein that his temporary service is liable to be terminated at any point of time without any notice whatsoever and that no preference would be given. Pursuant to the above, his services were also terminated with effect from 15.10.2012. Therefore, the petitioner is no longer in service. Hence, he would submit that the prayer of the petitioner seeking regularization of his service is totally untenable.

3. I find merits on the above said submission made by the learned Additional Government Pleader. When the petitioner was no longer in service from 15.10.2012, without challenging the said order, the petitioner at this distant point of time cannot seek for regularization of the same.

4. Therefore, the writ petition fails and the same is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

WEB COPY
Sub Assistant Registrar

vj2

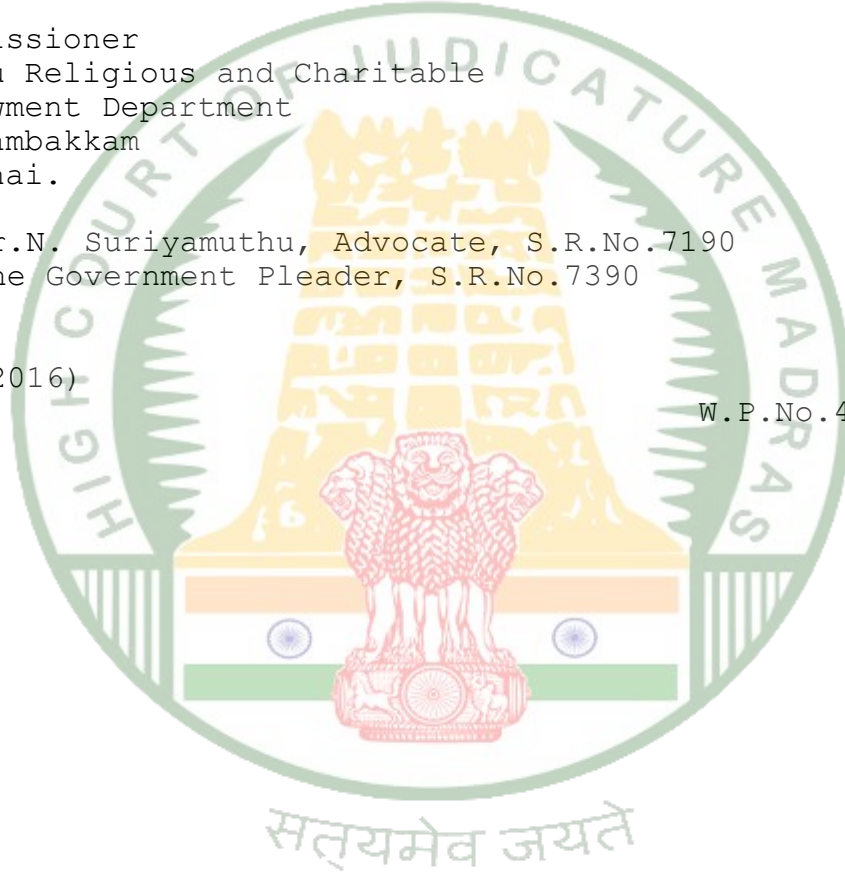
To

1. The Executive Officer
Arulmighu Nageswarasamy Koil
Kumbakonam.
2. Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Mayiladuthurai.
3. Commissioner
Hindu Religious and Charitable
Endowment Department
Nungambakkam
Chennai.

+1cc to Mr.N. Suriyamuthu, Advocate, S.R.No.7190
+1cc to the Government Pleader, S.R.No.7390

KK(CO)
EU(12/02/2016)

W.P.No.4260 of 2016



WEB COPY