



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM :

**THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

**and**

**THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN**

Writ Appeal (MD) No.120 of 2016

and

C.M.P(MD)No.505 of 2016

1.The Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Chennai.

2.The Joint Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Madurai 1.

3.The Executive Officer,  
Arulmighu Suyambu Saneeswara Bhagavan Temple,  
Kutchanur, Uthamapayalam Taluk,  
Theni District.

... Appellants

Vs.

C.Ravi

... Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 23.11.2015 made in W.P.(MD). No.20710 of 2015 on the file of this Court.

**Prayer in WP(MD)No.20710/2015:-** Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the Petitioners representation dated 16.09.15 for the payment of the Petitioners salary from 28.07.11 and for the petitioners regularization as ticket seller.

For Appellants

: Mr.V.R.Shanmuganathan,  
Special Government Pleader.

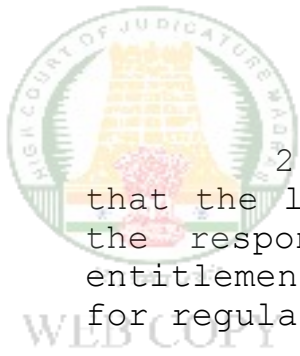
For Respondent

: Mr.R.Maheswaran

JUDGMENT

(Judgment of the Court was made by The Hon'ble The Chief Justice)

The case of the respondent/original petitioner is that he is a regular employee of the Government and he should be regularised. The respondent had even earlier approached the Court seeking consideration of his representation.



2. In terms of the impugned order dated 23.11.2015, all that the learned single Judge has directed is that for the period the respondent works as daily wager, he should be paid his entitlement and secondly, that his representation dated 16.09.2015 for regularisation should be examined.

3. Learned Special Government Pleader appearing for the appellants contends that daily wages have been paid for the period they utilised the services of the respondent.

4. There is a factual dispute as to whether the appellants have paid the wages to the respondent or not, as per the submissions of the learned counsel for the parties, which is certainly not an issue to be determined here.

5. Insofar as the disposal of the representation dated 16.09.2015 is concerned, we put a query to the learned counsel for the respondent as to why repeated representations have been made on the same issue. Learned counsel states that the last representation arose out of a post being created and the request of the respondent to be considered for regularisation against the said post.

6. On the other hand, learned Special Government Pleader for the appellants states that the post has not been sanctioned as yet and is still pending consideration. He further submits as and when the post is sanctioned, the respondent will be considered in accordance with the rules, along with other people.

7. We dispose of the appeal in the aforesaid terms. No costs. Consequently, C.M.P. (MD) No. 505 of 2016 is closed.

Sd/-

Assistant Registrar (R)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner, Hindu Religious and Charitable Endowments Department, Chennai.
2. The Joint Commissioner, Hindu Religious and Charitable Endowments Department, Madurai 1.
3. The Executive Officer, Arulmighu Suyambu Saneeswara Bhagavan Temple, Kutchanur, Uthamapayalam Taluk, Theni District.

+One cc to M/s. R. Maheswaran, Advocate, SR.No.4317

+One cc to The Special Government Pleader, SR.No.4273

sms/gb

RL/6C/GSV/AN/3/2/2016

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