

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.340 of 2017

and

W.M.P.Nos. 377,378 of 2017, 7636/2017 and 6365/2017

R.Gnanasekar

.. Petitioner

Vs.

1. The State of Tamil Nadu rep.by its
Secretary to Government, Tourism,
Culture and Religious Endowment
Department, Fort St.George,
Chennai-600 009.

2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai-34.

3.Tmt.N.Thirumagal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the first respondent issued in G.O.(Pa) No.168 Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 30.12.2016 and the order passed by the second respondent in Se.Mu.Na.Ka.No.46890/2014/B-1, dated 30.12.2016 and quash the same in so far as reversion and posting of the third respondent in the place of the petitioner is concerned, with the consequential direction, directing the first and second respondents to post the petitioner as Additional Commissioner, in the place of the third respondent, with all consequential benefits.

For Petitioner .. Mr.R.Singaravelan,
Sr.Counsel for
M/s. V.Ravikkumar

For Respondents 1&2 .. Mr.R.Muthukumarasamy,
Advocate General,
assisted by
Mr.M.Maharaja,
Spl.G.P. (HR&CE)

For Respondent-3 .. No Appearance.

O R D E R

The petitioner has come to this Court questioning the correctness of the impugned order of reversion passed by the first respondent issued in G.O.(Pa) No.168 Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 30.12.2016 and the order passed by the second respondent in Se.Mu.Na.Ka.No.46890/2014/B-1, dated 30.12.2016 to quash the same in so far as reversion and posting of the third respondent in the place of the petitioner is concerned, with the consequential direction, directing the first and second respondents to post the petitioner as Additional Commissioner, in the place of the third respondent, with all consequential benefits.

2.Heard Mr.R.Singaravelan, learned Senior Counsel for the petitioner and Mr.R.Muthukumarasamy, learned Advocate General for the Respondents 1 and 2.

3.Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner would submit that the petitioner was appointed as an Assistant Commissioner, Hindu Religious and Endowment Department on 05.12.1996 by virtue of the selection made by the Tamil Nadu Public Service Commission and after serving as Assistant Commissioner, he was promoted to the post of Deputy Commissioner in the year 2005 and after a gap of five years, he was further promoted to the post of Joint Commissioner on 18.10.2010. Considering the name of the petitioner for his inclusion in the panel of Joint Commissioner fit for promotion to the post of Additional Commissioner, his name was included in G.O.Ms.No.109, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 17.04.2015 in the temporary panel of Joint Commissioner at serial number 1. Based on his inclusion in the panel of Joint Commissioner, the first respondent issued G.O. (Pa) No.71, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 11.05.2015 promoting him as Additional Commissioner. Therefore, the petitioner joined duty as Additional Commissioner (General) in the Office of the second respondent on 28.05.2015. Even thereafter, the Additional Chief Secretary to Government in his proceedings dated 13.07.2015, accepted his qualification, issued a Qualification Certificate in his favour making it clear that he has satisfied all the Rules relating to the regular promotion/appointment to the post of Additional Commissioner HR & CE.

4.The learned Senior Counsel would further submit that one Mr.P.Vasunathan, Joint Commissioner, who was facing certain charges under Rule 17(b) of Tamil Nadu Civil Service (D&A) Rules, suffered punishment of stoppage of increment for a period of six months without cumulative effect, by order in G.O. (B) No.10, dated 13.01.2015. As against the said order of

punishment, he has filed a Writ Petition No.21948 of 2015 and this Court, by order dated 12.07.2016, finding that the order of punishment passed against him did not give any reason, set aside the impugned order. By virtue of the order passed by this Court in W.P.No.21948 of 2015 dated 12.07.2016, in favour of Mr.P.Vasunathan, the respondents tried to accommodate him in his post. Therefore, on enquiry, the petitioner has forwarded a detailed representation dated 20.09.2016, to the first and second respondents with a request to accommodate him in a supernumerary post in HR&CE as he was going to retire on 31.12.2016, but no order was passed on his representation. In the meanwhile, the petitioner went on Medical Leave as he suffered health problem. Taking advantage of his absence, the impugned order of reversion was passed by the first respondent in G.O. (Pa) No.168 Tourism, Culture and Endowment (HR&CE) 2-2) Department dated 30.12.2016, without even giving any notice whatsoever to the petitioner. As a result, the petitioner who was appointed as Additional Commissioner by virtue of G.O.Ms. No.71, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 11.05.2015 has been unceremoniously reverted to the lower post of Joint Commissioner without any notice or enquiry which is impermissible in law.

5.Continuing his argument, the learned Senior Counsel would submit that when the petitioner has been working as Additional Commissioner since 28.05.2015, in order to accommodate the said Vasunathan and also the third respondent, the petitioner should not have been reverted to the post of Joint Commissioner and posted to Villupuram. Besides, on that date one post of Additional Commissioner was vacant on 01.01.2017, therefore, knowing pretty well that the respondents are bound to comply with the orders passed by this Court in W.P.No.21948 of 2015 dated 12.07.2016, in favour of Mr.P.Vasunathan, to accommodate the said Mr.P.Vasunathan, as Additional Commissioner, they should have followed the Rule by giving notice to the petitioner as to why he should not be reverted. Consequently knowing pretty well that the said Mr.P.Vasunathan is going to demit his office on 31.12.2016, and the petitioner has been given promotion on the basis of the temporary panel drawn in G.O.Ms.No.109, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 17.04.2015 followed by G.O. (Pa) No.71, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 11.05.2015 promoting him as Additional Commissioner, without disturbing the petitioner they could have accommodated the said Mr.P.Vasunathan by creating a supernumerary post. The reason is that when the respondents having acted on the panel drawn for the year 2014-15 which expired on 30.09.2015 the petitioner has got accrued right to continue in the said post. Therefore, without giving any notice, he could not have been reverted to the post of Joint Commissioner and no prejudice would have been caused to the Respondents by creating a supernumerary post for the purpose of

accommodating the said Mr.P.Vasunathan as he was to retire within a short period.

6.Concluding his arguments, the learned Senior Counsel for the petitioner would submit that during the pendency of the writ petition, challenging the correctness of the order of reversion, this Court on 24.04.2017 passed an order, recording the submission made by both by learned Additional Advocate General on 06.01.2017 and subsequently by the learned Advocate General that the petitioner being the only eligible incumbent to be empanelled for the said post in all probabilities, he would be considered to the said post and for which two weeks time was granted. After taking time, the respondents cannot issue a charge memo dated 05.05.2017 stating that in view of facing charge memo under Rule 17(b) issued against the petitioner, he stands disqualified to the said post. That would show the improper attitude of the Respondents. For, even if the said charge memo issued against the petitioner is legally considered by this Court, as per the settled legal position, the petitioner cannot suffer any denial of promotion, because on the date when the petitioner was due for promotion, there was no charge memo issued or pending. Moreover, when the petitioner was also given temporary promotion after drawing a temporary panel under Rule 4, it shows that he was eligible for promotion on 11.05.2015 therefore, by issuance of the subsequent charge memo dated 05.05.2017, the petitioner cannot be denied his accrued legal right for promotion to the post of Additional Commissioner. In support of his submission, he relied upon the following judgments to say that if no charge memo is issued or pending on the crucial date, further promotion cannot be denied.

(i)W.A(MD)No.115 of 2008 dated 10.04.2008 (E.Pitchaimari vs. The Special Commissioner and Transport Commissioner, Chepauk, Chennai-5)

(ii)W.P(MD)No.11511 of 2016 dated 02.12.2016 (V.R.Muthuveerappan vs. The Director General of Police, Chennai and another).

(iii)Union of India and others vs. Anil Kumar Sarkar reported in (2013) 4 SCC 161.

(iv)Bank of India and another vs. Degala Suryanarayana reported in (1999) 5 SCC 762.

(v)G.Venkatachalam vs. Special Commissioner and Commissioner of Revenue Administration, Revenue Administration, Chennai, reported in (2013) 5 MLJ 59. In view of the above, it is prayed to set aside the impugned order.

7.Mr.R.Muthukumarasamy, learned Advocate General appearing for the respondents would submit that on the date of drawing the temporary panel in G.O.Ms.No.109, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 17.04.2015, including the petitioner name in the temporary panel of Joint Commissioner

for the year 2014-15, at serial No.1, one Mr.P.Vasunathan was senior to the petitioner but he suffered punishment of stoppage of increment for a period of six months without cumulative effect by an order in G.O.(B) No.10, dated 13.01.2015. Therefore, the name of the petitioner alone was included in the temporary panel for the post of Joint Commissioner followed by G.O. (Pa) No.71, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 11.05.2015 promoting him as Additional Commissioner. Since the said order of punishment imposed against the said Mr.P.Vasunathan was set aside by this Court in an order dated 12.07.2016 passed in W.P.No.21948 of 2015, the third respondent was under compulsion to accommodate the said Mr.P.Vasunathan. Therefore, issuance of show cause notice being a mere empty formality, the respondents though fit to accommodate the said Mr.P.Vasunathan by passing the impugned order reverting the petitioner to the post of Joint Commissioner. Besides, it is well settled legal position that in the judgment of the employer whenever notice required to be issued is considered as an empty formality, the said notice need not be issued, hence, non issuance of notice before issuing the order of reversion cannot be found fault with.

8.Continuing his arguments, learned Advocate General would further submit that although the temporary panel prepared for the year 2014-15 was to expire only on 30.09.2015, since it was kept open by order dated 11.05.2015, the said panel would not be expired on 30.09.2015. Once the petitioner who was junior to Mr.P.Vasunathan, was found suitable in view of currency of punishment suffered by Mr.P.Vasunathan, the petitioner is entitled to be placed as Additional Commissioner. In any event since several other seniors to the petitioner are facing departmental proceedings while drawing the next panel for the subsequent year on crucial date 1.10.2016, the name of the petitioner should be considered. But in the meanwhile, since he had also suffered a charge memo dated 05.05.2017 the second respondent has deferred his case. This was rightly followed in the light of Schedule-XI, Part-A-II of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Again, explaining further, learned Advocate General pleaded that as per the above provision, in cases where specific charges have been framed or charge sheet has been filed in criminal case against a member of service, promotion or appointment of such member of service shall be deferred till such proceedings are concluded until a specific order is passed by the Court and no appeal is filed thereon.

9.Concluding his arguments, learned Advocate General also submitted that even as per the settled legal position if the petitioner is eligible for promotion to the post of Additional Commissioner as on today a direction may be given to the respondents to consider his name for his empanelment to the post

of Additional Commissioner. Such direction would be sincerely complied with.

10. Heard the parties on both sides.

11. The petitioner was selected by Tamil Nadu Public Service Commission for the post of Assistant Commissioner HR & CE on 05.12.1996, after serving for long time he was promoted as Deputy Commissioner in the year 2005. Again with the gap of five years he was promoted to the post of Joint Commissioner on 18.10.2010. While serving as the Joint Commissioner in Arulmighu incorporate and unincorporated Devasthanam, Suchindram, Kanyakumari District, the first respondent has drawn up a temporary panel for Joint Commissioner fit for promotion to the post of Additional Commissioner for the year 2014-15 showing the name of the petitioner alone at serial number-1 in G.O.Ms.No.109, and as such his name was included in G.O.Ms.No.109, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 17.04.2015. On the basis of the temporary panel drawn up the first respondent again issued G.O.(Pa) No.71 including his name in G.O.Ms.No.109, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 11.05.2015 for the year 2014-15 and promoted him as Additional Commissioner. Accordingly, he was posted in the available vacancy on 11.05.2015. The petitioner also joined duty as Additional Commissioner on 28.05.2015. In the meanwhile, one Mr.P.Vasunathan, Joint Commissioner facing departmental proceedings initiated under Rule 17(b) of the Tamil Nadu Civil Service (D&A) Rules, suffered a punishment of stoppage of increment for a period of six months without cumulative effect.

12. Aggrieved by the same, a writ petition No.21948 of 2015 was filed on the ground that the punishment imposed against him was without any reason. This Court by order dated 12.07.2016 set aside the order of punishment passed in W.P.No.21948 of 2015 on the ground that no reason was given for imposing such punishment. Pursuant to the said order, the Government in exercise of power, transferred one Thirumagal, Additional Commissioner (Enquiry) to the post of Additional Commissioner (General) for administrative convenience and simultaneously promoted Mr.P.Vasunathan as Additional Commissioner (Enquiry). As there was no other post in the cadre of Additional Commissioner available, the petitioner was reverted to the post of Joint Commissioner as he was junior most. When three posts of Additional Commissioners were available in the department, General, Enquiry and Tiruppani, the petitioner being the junior most of the three Additional Commissioners after accommodating the 3rd respondent/Tmt.N.Thirumagal, Mrs.Kavitha and Mr.Vasunathan, the petitioner could have been considered in the vacancy caused by the retirement of Mr.Vasudevan. However, a stand has been taken that in view of charge memo dated

05.05.2017, he could not be considered in the light of Clause II to Schedule-XI Part-A of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The said provision dealing with consideration of members for inclusion in the approved lists, shows that in cases where specific charges have been framed or charge sheet has been filed in criminal case against a member of service, promotion or appointment of such member of service shall be deferred till such proceedings are concluded. Therefore, on exoneration or acquittal from the charges, a member of service shall be considered for promotion with retrospective effect from the date on which his immediate junior was promoted. In this context, it is pertinent to extract Clause II(1) to (4) to Schedule-XI Part-A of the Tamil Nadu Government Servants (Conditions of Service) Act, reads as follows:-

''(1)In cases where enquiry (except Tribunal for Disciplinary Proceedings enquiry) including preliminary or detailed enquiry by the appropriate investigating Authority is pending against a member of service and no specific charges have been framed, promotion or appointment of such member of service shall be considered on the basis of the merit revealed through Annual Confidential Reports, Record Sheets and Punishments imposed. In cases where specific charges have been framed or charge sheet has been filed in criminal case against a member of service, promotion or appointment of such member of service shall be deferred till such proceedings are concluded. On exoneration or acquittal from the charges, a member of service shall be considered for promotion or appointment with retrospective effect from the date on which his immediate junior was promoted, if he is otherwise qualified for such promotion.

(2)If the disciplinary proceedings under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules pending against a member of service are merely stayed by a Court, his case shall be deferred till the judicial proceedings are concluded, unless a contrary order is passed by the Court and it is decided not to challenge the same. If the Court quashes the charge memo, then the name of the member of service concerned shall be considered for inclusion in the approved list for promotion or for appointment, if he is otherwise qualified.

(3)The name of a member of service shall not be considered for inclusion in the approved list, if any enquiry is pending against him in the Tribunal for Disciplinary Proceedings.

(4) Issuance of a show cause notice or charges framed under rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against a member of service shall not be a bar for inclusion of his name in the approved list.''
(emphasis supplied)

13.A perusal of the above provision no doubt shows that if any enquiry is pending against a member of service, he shall not be considered for inclusion in the approved list and promotion of such member of service shall be deferred till such proceedings are concluded. Finally, on exoneration of the said charge, the said member of service shall be considered for promotion as per Clause II(1) extracted above. However, Clause II(2) makes it clear that if the disciplinary proceedings pending against a member of service are merely stayed by a Court, his case shall be deferred till the judicial proceedings are concluded, unless a contrary order is passed by the Court and it is decided not to challenge the same and if the Court quashes the charge memo, then the name of the member of service concerned can be considered for inclusion if he is otherwise qualified. (emphasis supplied). While so, it deserves to be clarified that after the petitioner was temporarily promoted as Additional Commissioner of HR & CE by issuing a G.O.Ms.No.109, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 17.04.2015, a temporary panel was drawn up again in G.O. (Pa) No.71, Tourism, Culture and Endowment (HR&CE 2-2) Department, dated 11.05.2015, for the year 2014-2015 and he was promoted as Additional Commissioner. While serving as Additional Commissioner, he was reverted to the post of Joint Commissioner on 30.12.2016 without notice. Challenging the order of reversion, inter alia, no notice was given to the petitioner nor enquiry was conducted, the present writ petition was filed. During the pendency of this writ petition, as an afterthought, the charge memo dated 05.05.2017 was issued, therefore, the same was stayed. Hence, I am of the view that this would comply with the condition mentioned in Clause-II(2) to Schedule-XI Part-A of the Tamil Nadu Government Servants (Conditions of Service) Act, in view thereof, this Court finds no impediment to issue direction for empanelment of the petitioner.

14.Moreover, Mr.P.Vasunathan having served as Additional Commissioner, retired from service on 31.12.2016. Since the petitioner was reverted to accommodate the said Mr.P.Vasunathan, the respondents could have accommodated the petitioner immediately by drawing up another panel for the said year 2016-17, by considering the crucial date as 01.10.2016 which has not been done in the present case. Had the first respondent drawn the panel for the year 2016-17 taking into account the crucial date on 01.10.2016, immediately after the retirement of the said Mr.P.Vasunathan, the issue would not have been brought to this

Court. In any event, the petitioner on the crucial date 01.10.2016 for drawing up of the panel for the said year, was not facing any departmental proceedings or currency of punishment, henceforth, his name should have been included in the panel of Additional Commissioner for the year 2016-2017 by drawing a panel as on 01.10.2016.

15. So far as the legal position is concerned a Division Bench of this Court while considering a similar issue has held as follows:-

" 3. The stand of the Department in the writ petition was to the effect that on the crucial date for consideration i.e., on 15.3.2007, a charge memo under Rule 17(b) of Tamil Nadu Civil Services (Discipline & Appeal) Rules was pending. So far as the above aspect is concerned, we have gone through the materials on record and also the file, which was produced by the Special Government Pleader. It appears that eventhough a signed document is available in the file, which was apparently signed on 7.9.2006 by the previous Transport Commissioner, the fact remains that the charge memo was issued under the signature of the subsequent Transport Commissioner, with the date 10.7.2007 and it was actually served on 28.7.2007 on the petitioner.

4. In AIR 2007 SC Pg. 1706 (Coal India Limited & Ors. V. Saroj Kumar Mishra), the Supreme Court, after referring to several decisions, has observed as hereunder:

"A departmental proceeding is ordinarily said to be initiated only when a charge-sheet is issued."

5. In the present case, the earlier charge memo, which had been signed had not been issued and similarly, the present charge memo, eventhough signed on 10.7.2007, was actually issued, so far as the appellant is concerned, only on 28.7.2007. Therefore, it cannot be said that on the date when the panel was prepared i.e., on 15.3.2007, any charge memo was pending.

7. The other contention of the learned counsel for the respondent is to the effect that even assuming that no charge memo was pending when the appellant was promoted and when the juniors to the appellant were promoted, as of today, a charge memo is pending and therefore, the appellant should not be given the benefit of promotion.

8. The learned counsel for the appellant has rightly contended that eventhough mere inclusion of name in the panel for promotion would not

confer any right to be promoted on a particular date, atleast, on the date on which the juniors were promoted, ie. on 28.6.2007, a right accrued to the appellant to be promoted. On the said date, atleast, it cannot be said that any charge memo was pending. Therefore, the appellant should have been promoted with effect from that date. As observed by the Supreme Court in AIR 2007 SC 1706 (cited supra) , merely because a person is promoted, the employer is not in a helpless situation. Therefore, it will be always open to the concerned employer to continue with the disciplinary proceedings and pass orders in accordance with law and obviously, the promotion by virtue of the order of the Court will not stand in the way."

16.Following the said judgment, I have also held in the order dated 20.04.2010 passed in W.P.No.9264 of 2004 (N.Ganesan vs. The Chairman-cum-Managing Director, Tamil Nadu Civil Supplies Corporation Ltd., Chennai) that when there was no charge pending against the petitioner therein as on the crucial date for drawing the panel for promotion, the contention of the petitioner that his name should be included in the panel of Quality Inspector for the year 1992 as on that date he was fully qualified and eligible and entitled for promotion needs to be accepted, since the right to be considered for promotion is a fundamental right guaranteed under Article 16 of the Constitution of India, as per the ratio laid down by the Apex Court in Delhi Jal Board vs. Mahinder Singh reported in 2000 (7) SCC 210 keeping in mind that as on the crucial date namely, 01.10.1992, the petitioner was eligible and within the zone of consideration. In the present case, as per Clause II(2) to Schedule-XI Part-A of the Tamil Nadu Government Servants (Conditions of Service) Act, since the charge memo issued against the petitioner on 05.05.2017 has been stayed as it was issued with an afterthought to preempt his chance of becoming Additional Commissioner, the case of the petitioner shall be considered for his empanelment by drawing up of panel on 01.10.2016.

17.In addition thereto, a Division Bench of this Court in W.A.No.115 of 2008 dated 10.04.2008 has taken a similar stand and the relevant portion of the said judgment is given as under:-

"3.The stand of the Department in the writ petition was to the effect that on the crucial date for consideration i.e, on 15.3.2007, a charge memo under Rule 17(b) of Tamil Nadu Civil Services (Discipline & Appeal) Rules was pending. So far as the above aspect is concerned, we have gone

through the materials on record and also the file, which was produced by the Special Government Pleader. It appears that even though a signed document is available in the file, which was apparently signed on 7.9.2006 by the previous Transport Commissioner, the fact remains that the charge memo was issued under the signature of the subsequent Transport Commissioner, with the date 10.7.2007 and it was actually served on 28.7.2007 on the petitioner.

4. In AIR 2007 SC Pg. 1706 (Coal India Limited & Ors. V. Saroj Kumar Mishra), the Supreme Court, after referring to several decisions, has observed as hereunder:

"A departmental proceeding is ordinarily said to be initiated only when a charge-sheet is issued."

5. In the present case, the earlier charge memo, which had been signed had not been issued and similarly, the present charge memo, even though signed on 10.7.2007, was actually issued, so far as the appellant is concerned, only on 28.7.2007. Therefore, it cannot be said that on the date when the panel was prepared ie, on 15.3.2007, any charge memo was pending.

7. The other contention of the learned counsel for the respondent is to the effect that even assuming that no charge memo was pending when the appellant was promoted and when the juniors to the appellant were promoted, as of today, a charge memo is pending and therefore, the appellant should not be given the benefit of promotion.

8. The learned counsel for the appellant has rightly contended that even though mere inclusion of name in the panel for promotion would not confer any right to be promoted on a particular date, atleast, on the date on which the juniors were promoted, ie. On 28.6.2007, a right accrued to the appellant to be promoted. On the said date, atleast, it cannot be said that any charge memo was pending. Therefore, the appellant should have been promoted with effect from that date. As observed by the Supreme Court in AIR 2007 SC 1706 (cited supra), merely because a person is promoted, the employer is not in a helpless situation. Therefore, it will be always open to the concerned employer to continue with the disciplinary proceedings and pass orders in accordance with law and obviously, the promotion by virtue of the order of the Court will not stand in the way."

18. In the light of the above ratio, the departmental proceeding is ordinarily said to be initiated only when a charge sheet is issued. While so, admittedly, on the crucial date namely, 01.10.2016, there was no charge memo pending, therefore, the petitioner is eligible to be empanelled for higher post for the year 2016-17. Secondly, the charge memo issued on 05.05.2017 also has been stayed by this Court, as it was issued with an afterthought to preempt his chance of becoming Additional Commissioner. Moreover, as there was no eligible person to the post of Additional Commissioner except the petitioner, the respondents are hereby directed to consider the petitioner for promotion to the post of Additional Commissioner, HR & CE, for the year 2016-17 and pass appropriate order within a period of eight weeks from the date of receipt of a copy of this order.

Finally, the impugned order is set aside to the extent indicated above and the Writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government, Tourism, Culture and Religious Endowment Department, State of Tamil Nadu, Fort St.George, Chennai-600 009.
2. The Commissioner, Hindu Religious and Charitable Endowment Department, Nungambakkam, Chennai-34.

+lcc to Mr.V.Ravikkumar, Advocate in sr.no.42968
+lcc to Government Pleader in sr.no.43340

W.P.No.340 of 2017

VD(CO)
NR 14/7/2017