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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.634 of 2014

and

M.P(MD).No.3 of 2014

1.The Joint Commissioner /
Executive Officer,
Arulmigu Ramanathaswami
Thirukovil,
Rameswaram,
Ramanathapuram District.

2.The Chairman, Board of Trustees,
Arulmigu Ramanathaswami
Thirukovil,
Rameswaram,
Ramanathapuram District.

... Appellants/Respondents 2 & 3

vs.

1.N.Ramakrishnan ...1st Respondent/Petitioner

2.The Commissioner,
Hindu Religious and Charitable
Endowments Board,
Administration Department,
Nungambakkam,
Chennai - 600034.

...2nd Respondent/1st Respondent

Prayer : Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 03 November 2011 made in WP(MD).No.855 of 2011 and allow the writ appeal as prayed for.

Prayer in WP(MD). 855/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order passed by the 2nd respondent in his proceedings Na.ka.No. 1418/2002/a2 dated 12/05/2010 and quash the same and consequently directing the respondents to pay the entire monetary benefits for the period or suspension from 10/10/2002 to 18/12/2009 .

For Appellants : Mr.S.Ramesh

<https://hcservices.courts.gov.in/hcservices/> For Respondents : Mr.A.Thirumurthy for R1



J U D G M E N T

(Judgment of the Court was made by G.R.SWAMINATHAN, J)

This writ appeal has been filed questioning the order dated 03 November 2011 made in W.P(MD).No.855 of 2011.

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2.The first respondent herein was employed in the Arulmigu Ramanathaswami Thirukovil, Rameshwaram. Certain allegations were made against him and he was suspended from service. He was not provided with any subsistence allowance during the period of suspension. Therefore, he filed W.P(MD).No.4496 of 2010 and the learned single Judge, by order dated 07.10.2010 directed the Executive Officer of the temple to consider the representation of the writ petitioner. There upon the Executive Officer / Joint Commissioner passed the order dated 12 May 2010 calling upon the writ petitioner to furnish the non employment certificate for the said period within three days. Since the time given was hardly adequate the said employee filed WP(MD).No.855 of 2011.

3.The learned single Judge noted that such an order has been passed in violation of principles of natural justice. Therefore, the said order dated 12 May 2010 was set aside and the temple was directed to give entire monetary benefits for the period of suspension. Aggrieved by the same the instant appeal has been filed.

4.At the very outset, we are of the view that when the learned single Judge found that the order dated 12 May 2010 deserved to be interfered with on the ground of violation of principle of natural justice, the matter should have been remitted to the file of the concerned authority. But instead, a direction has been given to disburse the benefits straight away. We are now informed that during the pendency of the writ appeal, contempt proceedings was initiated by the writ petitioner and the appellants herein have disbursed the amounts to the writ petitioner. In view of the said subsequent development, we are not inclined to interfere with the order passed by the learned single Judge.

5.The learned counsel appearing for the writ petitioner/first respondent brought to our notice that the appellants have initiated recovery proceedings. We are not inclined to test the validity of such subsequent action taken by the appellant temple. It is open to the parties herein to work out their remedies in the manner known to law.

6.With these observations the writ appeal is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /



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+1cc to M/S.V.RAGHAVACHARI, Advocate SR.No.66328

Skm / Arul

MAS/KP/SAR2:27.07.2017:3P-2C

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and
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