



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABUW.P.(MD)No.3522 of 2017

WEB COPY

A.Natarajan,

... Petitioner.

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayladuthurai.

2. A/m Meenakshi Sundareswarar Swamy Temple,
Rep. by its,
The Hereditary Trustee,
Bakthapuri Street,
Kumbakonam

....Respondents.

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the second Respondent from implementing the order passed by second Respondent against the petitioner under section 56(i) of the Hindu Religious and Charitable Endowment Act, until the Appeal of the petitioner filed on 25.02.2017 under section 56(ii) of the Hindu Religious and charitable Endowment Act, to the first Respondent is disposed of.

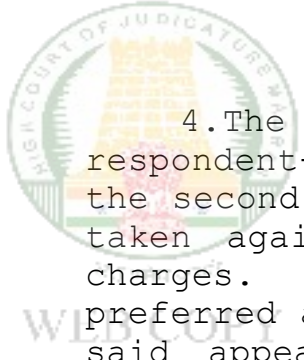
For Petitioner	: Mr.N.Shanmugaselvam
For R- 1	: Mr.C.Selvaraj , Special Govt. Pleader.
For R- 2	: Mr.V.R.Shanmuganathan for Mr.G.R. Swaminathan

O R D E R

Mr.C.Selvaraj, learned Special Government Pleader takes notice for the first respondent and Mr.V.R.Shanmuganathan learned counsel takes notice for the second respondent.

2. By consent of parties, the main Writ Petition itself is taken up for final disposal.

3. This Writ Petition is filed for a Mandamus to forbear the second respondent from implementing the order passed by the second respondent itself until the appeal filed by the petitioner before the first respondent is disposed of.



4.The petitioner, who was working as a Poojari at the second respondent-temple was dismissed from service by the proceedings of the second respondent, dated 23.02.2017. The said proceedings was taken against the petitioner in pursuant to framing of twelve charges. Challenging the said order of dismissal, the petitioner preferred an appeal before the first respondent on 25.02.2017. The said appeal is still pending. Now the petitioner seeks a direction to the second respondent, who passed the order of dismissal, not to implement the same pending disposal of the appeal filed before the first respondent. I do not understand as to how the petitioner is justified in maintaining this writ petition when an order of dismissal is already made against him and he has challenged the same before the first respondent.

5.Therefore, it is for the first respondent to consider and decide the appeal filed by the petitioner on its own merits and in accordance with law. In the meantime, when the order of dismissal stands, there is no question of seeking for any relief as sought for in this writ petition.

6. Accordingly, without expressing any view on the merits of the charges levelled against the petitioner and the order passed against him by the second respondent, this writ petition is disposed of only with a direction to the first respondent to consider the appeal preferred by the petitioner on 25.02.2017 and pass orders on the same on merits and in accordance with law after hearing the second respondent as well. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To
The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayladuthurai.

+1cc to Mr.N.Shanmugaselvam,Advocate, SR Nos.11668

+1cc to Special Government Pleader, SR No.11947

+1cc to Mr.G.R.Swaminathan,Advocate, Sr No.12047

W.P. (MD) No.3522 of 2017

01.03.2017

pm