



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**
and
THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Appeal (MD).No.167 of 2018
and
C.M.P. (MD).No.906 of 2018

M.Nandakumar

... Appellant/Petitioner

Vs.

1. The Commissioner,
M/s.Hindu Religious and Charitable Endowments, 119,
Uthamar Gandhi Salai, Nungambakkam,
Chennai-600 034.
2. The Joint Commissioner, Office of Joint Commissioner,
M/s.Hindu Religious and Charitable Endowments,
Trichy-16.
3. The Assistant Commissioner/ Executive Officer,
Arulmigu Kalyana Venkatrarnana Swami Thirukovil,
Thanthondrimalai,
Karur Taluk,
Karur District.

... Respondents/Respondents

Prayer: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order passed in W.P(MD).No.6599 of 2017 dated 09.01.2018.

Prayer in WP(MD). 6599/ 2017 :

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 of the impugned order passed by the 1st respondent in Na.Ka.No.9125/2017/Z1, dated 30.03.2017 and consequently the impugned advertisement of the 3rd respondent dated 07.04.2017 in the above Na.Ka.No. 9125/2017/Z1, dated 30.03.2017 and quash the same and direct the 1st and 3rd respondents to regularize the petitioner on time scale basis (Rs. 5200-15900-2000) and to grant all consequential benefits and attendant benefits arising thereon at the 3rd respondents temple.



For Appellant : Mr.K.R.Laxman
For Respondents : Mr.V.R.Shanmuganathan (For R1 & R2)
Special Government Pleader
Mr.Athimoolapandian (For R3)

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JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM,J.**)

Heard Mr.K.R.Laxman, learned counsel for the appellant, Mr.V.R.Shanmuganathan, learned Special Government Pleader who accepts notice for the first and second respondents and Mr.Athimoolapandian, learned counsel for the third respondent.

2.This appeal is directed against the order passed in W.P(MD). No.6599 of 2017, dated 09.01.2018, which was filed challenging the proceeding of the first respondent, dated 30.03.2017 and consequently the impugned advertisement issued by the third respondent dated 07.04.2017 calling for an application from the eligible candidates for the post of driver in the third respondent temple.

3.The petitioner's claim is that the petitioner has been engaged on daily wages basis and subsequently, brought under consolidated pay and now, he seeks for absorption as against the said post and regularisation of his service. Admittedly, the appellant was not selected through formal recruitment process. Therefore, the learned Single Judge rightly dismissed the writ petition and rejected relief sought for in the writ petition. However, the learned Single Judge has granted liberty to the appellant to take part in the present recruitment, wherein one post of driver has been notified. Pursuant to such direction, the appellant has applied for the post. Therefore, the selection authority shall consider the appellant's application and assess his suitability without being any manner prejudiced on account of the fact that he filed the writ petition against the respondent.

4.With the above observation, the writ appeal is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Commissioner,
M/s.Hindu Religious and Charitable Endowments, 119,
Uthamar Gandhi Salai, Nungambakkam,
Chennai-600 034.

2. The Joint Commissioner, Office of Joint Commissioner,
M/s.Hindu Religious and Charitable Endowments,
Trichy-16.

+ 1 cc TO The Special Government Pleader in SR No. 49520

rmk/mrn

AE/KK/SAR3/12.03.2018/3P/4C

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