



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE **G. JAYACHANDRAN**

W.P (MD) No.770 of 2016

and

W.M.P (MD) Nos.604 and 605 of 2016

S.Rajaram

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai - 34.

2. The Joint Commissioner/Administrative Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Dhandayuthapani Swamy Thirukovil,
Palani, Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.6623/2015/A9 dated 21.12.2015 and quash the same and consequently direct the second respondent to promote the petitioner as Foreman in the second respondent temple namely, Arulmigu Dhandayuthapani Swamy Thirukovil, Palani, Dindigul District and pass such further or other orders.

For Petitioner : Mr.A.Prasanna Rajadurai
for Mr.R.Jegadeeswaran

For Respondent No.1 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

For Respondent No.2 : Mr.K.Govindarajan

ORDER

This writ petition has been filed praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.6623/2015/A9 dated 21.12.2015, quash the same and consequently direct the second respondent to promote the petitioner as Foreman in the second respondent temple namely, Arulmigu Dhandayuthapani Swamy Thirukovil, Palani, Dindigul District

2.Heard the learned counsel appearing for the petitioner,
learned Additional Government Pleader appearing for the first
<https://hcservices.ecourts.gov.in/hcservices/>
respondent as well as the learned counsel appearing for the second
respondent.



3. The writ petitioner herein was appointed as Helper in the second respondent temple as Casual Labourer and thereafter regularised in service in the year 1995. From the post of Helper, he was promoted as Winch Operator. The grievance of the petitioner is that though he possessed all the requisite qualification and experience to be promoted as Foreman, his request has not been considered by the second respondent herein. Therefore, he filed a writ petition before this Court in W.P(MD)No.18530 of 2015, wherein this Court vide order dated 12.10.2015 disposed of the writ petition with the direction to the respondent therein to pass appropriate orders on the representation on merits and in accordance with law. In reference to the order of the High Court passed in W.P(MD) No.18530 of 2015, the second respondent has passed the impugned order on 21.12.2015, wherein his request to promote as Foreman was rejected on the grounds namely, (i) he does not possess the requisite qualification of Diploma in Automobile or Mechanical Engineering; and (ii) the post is reserved for direct requirement as per G.O.Ms.No.255, Tamil Development, Religious Endowments and Information (RE4-2) Department, dated 28.06.2010.

4. The learned counsel appearing for the writ petitioner would draw the attention of this Court to the relevant portion of the Government Order, which prescribes Diploma in Automobile or Mechanical Engineering as a pre-requisite qualification for the post of Foreman [Vehicle], which is also earmarked for direct recruitment. Contrarily, the learned counsel appearing for the petitioner would submit that pending writ petition, the Joint Commissioner/Executive Officer of the second respondent temple has posted him as Foreman Winch (incharge) vide order dated 12.01.2018, which would clearly show that his qualification and experience is adequate to hold the post of Foreman.

5. In the light of the above fact, though the Recruitment Rules which have come into force on 28.06.2010, the writ petitioner herein had been promoted as Winch Operator in the year 2008 and has acquired experience, which has prompted the second respondent to vest him the responsibility of Foreman Winch (incharge). If the writ petitioner is otherwise found fit for the post of Foreman, the second respondent shall consider his name to be appointed as Foreman on regular basis as an exceptional case to G.O.Ms.No.255, dated 28.06.2010, following the other procedures.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai - 34.
2. The Joint Commissioner/Administrative Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Dhandayuthapani Swamy Thirukovil,
Palani, Dindigul District.

+1cc to Mr.R.Jegadeeswaran, Advocate Sr.No.96448

+1cc to SPL.Govt.Pleader, Sr.No.96397

+1cc to Mr.K.Govindarajan, Advocate Sr.No.96423

SMN

KM/PM/SAR2/11.12.2018/3P/6C

ORDER MADE IN
W.P(MD) No.770 of 2016
and
W.M.P(MD) Nos.604 and 605 of 2016
20.11.2018