

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.03.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.5894 of 2019

R.Surya

... Petitioner

vs.

1.The Commissioner,

Hindu Religious and Charitable
Endowment Department,
No.109, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034

2.The Assistant Commissioner/

Executive Officer,
Arulmighu Thiyagaraja Swamy Thirukoil,
Thiruvottiyur, Chennai-600 019

3.The Assistant Commissioner/

Executive Officer,
Arulmighu Venkatachalapathy
Swamy Thirukoil,
Uppliyappan Koil, Thirunageshwaram,
Kumbakonam Taluk,
Tanjavore District 612 204

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to consider the petitioner's representation dated 21.09.2018 and to pass orders within the time stipulated by this Court.

For Petitioner

... Mr.A.Ramkumar

For Respondents

... Mr.M.Maharaja,Spl.G.P.

ORDER

The petitioner has been working under the second respondent since 1987. According to him, his only son aged about 18 years died due to electrocution, on 29.05.2014. Due to the sudden death of his son, the petitioner and his wife have been put to irreparable mental agony and psychological stress. According to the petitioner he has no relatives in Chennai to lend moral and emotional support to him. As per the advise of the well wishers of the petitioner, he wanted to relocate himself in order to over come the pain and suffering due to the

death of his son.

2. In the above said circumstances, the petitioner decided to request for posting at his native place at Kumbakonam, where many of his relatives are living. In this regard, he has submitted a representation to the first respondent on 28.06.2016. Subsequent to the said representation of the petitioner, several correspondences have been exchanged among the first, second and third respondents and according to the petitioner, there are two clerk posts and one Assistant Clerk post vacant in the third respondent temple. Despite correspondences having been exchanged among the authorities and there was no objection in regard to the consideration of his request for transfer to Kumbakonam, the representation of the petitioner has not been considered so far on certain unknown administrative reasons. According to the petitioner, he has also expressed his consent to join as junior most in the post of Clerk in the third respondent temple. Even after such consent given by the petitioner, his representation has not evoked any response and therefore, he is before this Court seeking writ of mandamus.

3. Considering the grievance of the petitioner, particularly the sudden demise of his only son, the representation of the petitioner needs to be considered by the first respondent within a time frame, so that the grievance of the petitioner can be alleviated at an early point of time. In view of the above, the first respondent is directed to consider the representation said to have been submitted by the petitioner on 21.09.2018. While considering the representation of the petitioner, the first respondent shall take into consideration the family situation of the petitioner and the fact that the petitioner is in need to redeem himself from the pain and suffering due to the death of his only son. This Court hopes that the first respondent will consider the request of the petitioner for transfer to the third respondent temple sympathetically with due regard to the family situation of the petitioner as indicated above. The first respondent is directed to consider and pass orders on the representation of the petitioner within a period of four weeks from the date of receipt of copy of this order.

The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.109, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034

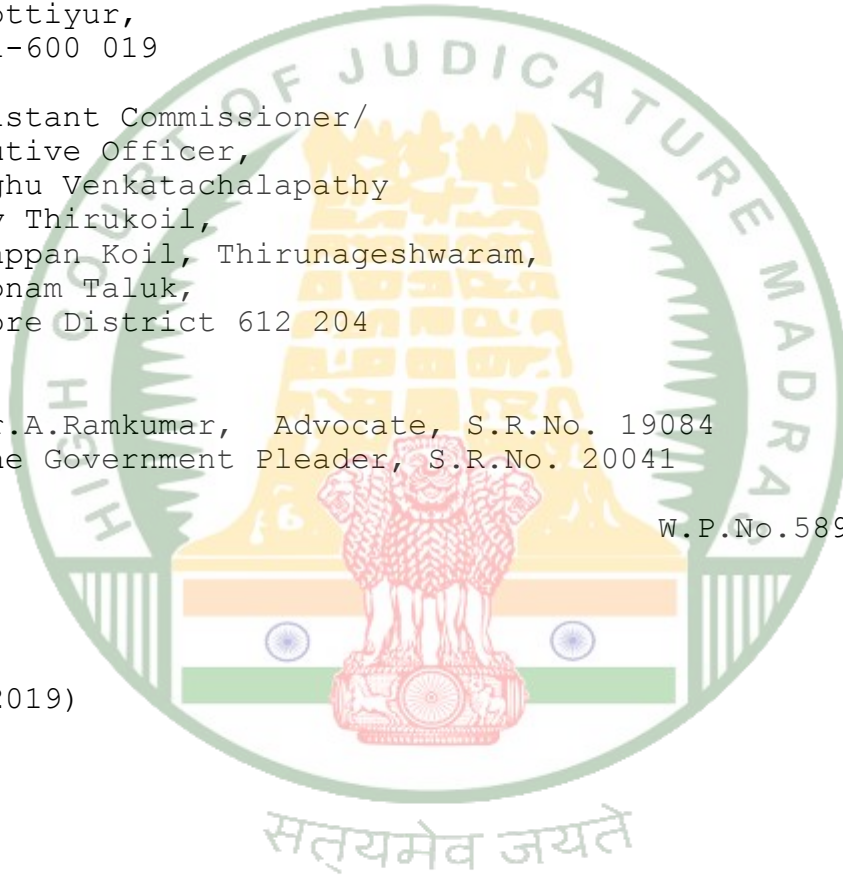
2.The Assistant Commissioner/
Executive Officer,
Arulmighu Thiagaraja Swamy Thirukoil,
Thiruvottiyur,
Chennai-600 019

3.The Assistant Commissioner/
Executive Officer,
Arulmighu Venkatachalapathy
Swamy Thirukoil,
Uppliyappan Koil, Thirunageshwaram,
Kumbakonam Taluk,
Tanjavore District 612 204

+lcc to Mr.A.Ramkumar, Advocate, S.R.No. 19084
+lcc to the Government Pleader, S.R.No. 20041

W.P.No.5894 of 2019

BS (CO)
GN (05/04/2019)



WEB COPY