

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.578 of 2016
in W.M.P.No.416 of 2016

K.Selvaraj ... Petitioner

--Vs--

- 1.The Joint Commissioner/Executive Officer,
Arulmigu Mariamman Temple,
Samayapuram, Trichirapalli
2. The Commissioner,
H.R & C.E Administrative Department,
Chennai - 34 ... Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for records against the order of the 2nd respondent in R.P.32 of 2015 D2 dated 31.08.2015 in confirming the order of the 1st respondent in R.C.967/1424/B4 dated 13.02.2015 and quash the same as illegal or arbitrary and against the principle of natural justice.

For Petitioner : Mr.A.Purushothaman
For Respondent-1 : Mr.R.Karthikeyan
For Respondent-2 : Mr.M.Maharaja,
Special Government Pleader

O R D E R

The Writ Petition is directed against the order of the second respondent in R.P.No.32 of 2015 D2 dated 31.08.2015 confirming the order of the first respondent in R.C.967/1424/B4 dated 13.12.2014.

2. The petitioner is a Navidhar Mirasi and he has been rendering service as Navidhar in the Arulmigu Mariamman Temple, Samayapuram for tonsuring of hair. As the tonsuring is done based on token basis, the petitioner was given Token No.46. Based on the complaint given by one V.Ramasamy that the

petitioner had demanded a sum of Rs.50/- from him for tonsuring, the token was taken back by the authorities and a show cause notice was issued to the petitioner. However, the petitioner denied the charges contending that he was not on duty, on the relevant date and also requested the first respondent to verify the fact with the CCTV footage, for which, an enquiry was conducted. However, the complainant did not appear for the enquiry. During the enquiry, it is stated by the petitioner that he wanted to be a Navidhar in the suit Temple and he also denied the fact that he had demanded a sum of Rs.50/- from the complainant. After enquiry, the impugned order was passed by the Joint Commissioner, withdrawing the token permanently. The said order was also confirmed by the second respondent/The Commissioner.

3. After hearing the learned counsels for some time, it is agreed by the learned counsel for the first respondent that they would provide an opportunity to the petitioner by permitting him to continue his service as Navidhar.

4. Earlier on 27.02.2019, this Court had directed the first respondent to issue the order, reinstating the petitioner into service and posted the matter today.

5. Today, when the matter is taken up for hearing, the learned counsel for the first respondent stated that the order impugned was passed by the second respondent, namely, the Commissioner (H.R& C.E) Administrative Department. Though the first respondent is willing to accept the service of the petitioner, the same has to be approved by the second respondent. As it will take some time, the learned counsel for the first respondent states that the petitioner can approach the second respondent.

6. The matter is of the year 2016 and it is stated that the proceedings will be further delayed to get approval from the second respondent. In such circumstances, the first respondent is directed to forward the proceedings to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to approve the same and pass appropriate orders, on merits and in accordance with law.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

srn

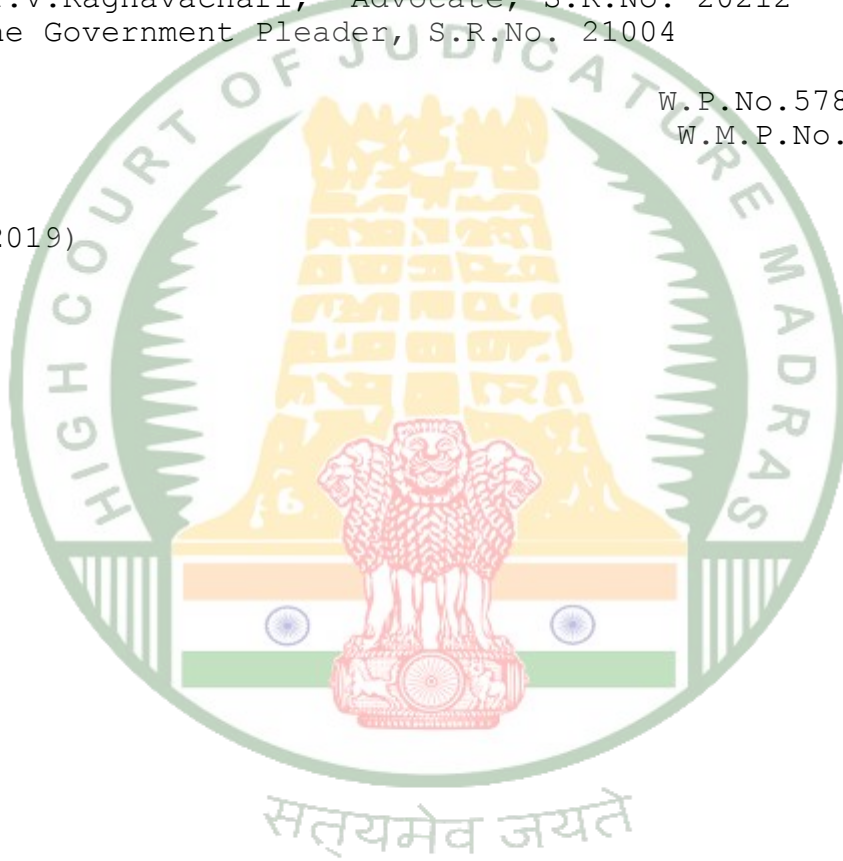
To

1. The Joint Commissioner/Executive Officer,
Arulmigu Mariamman Temple,
Samayapuram, Trichirapalli
2. The Commissioner,
H.R & C.E Administrative Department,
Chennai - 34

+1cc to Mr.V.Raghavachari, Advocate, S.R.No. 20212
+1cc to the Government Pleader, S.R.No. 21004

W.P.No.578 of 2016 in
W.M.P.No.416 of 2016

GP (CO)
GN(10/04/2019)



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