



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

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THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.21320 of 2019

and

W.M.P.Nos.20532 to 20533 of 2019

M. Annakkodi

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Petitioner

vs

1.The Secretary to Government,
Tourism, Culture and Religious
Endowment Department,
Fort St. George,
Chennai - 9.

2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam High Road,
Chennai - 34.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 1st respondent in connection with the impugned order passed by him in G.O.(D).No.55, Tourism, Culture and Religious Endowments (RE.2.2) Department, dated 09.05.2019 and quash the same.

For Petitioner : Mr.K. Venkatramani,
Senior Counsel
for Mr.M. Muthappan

For Respondents : Mr. M.Maharaja (H.R. & C.E),
Special Government Pleader

ORDER

This petition has been filed to quash the order of the 1st respondent in connection with the impugned order passed by him in G.O.(D).No.55, Tourism, Culture and Religious Endowments (RE.2.2) Department, dated 09.05.2019.



2.It is the case of the petitioner that the petitioner was selected by Tamil Nadu Public Service Connection as Executive Officer, Grade III and appointed to service on 17.05.1999. Thereafter, he was promoted as Executive Officer, Grade II on 16.11.2006. In the year 2013, the petitioner participated in the selection for appointment to the post of Assistant Commissioner, H.R. & C.E. Department by direct recruitment conducted by Tamil Nadu Public Service Commission. On selection, he was appointed to service on 04.05.2015. After serving in various places, on his appointment as Assistant Commissioner, HR & CE (Administration Department) he was posted to serve in Chennai Division on 07.09.2017. Earlier to 2013, Arulmigu Santhana Srinivasa Perumal Temple, Mugappair, Chennai, was managed by Private Trustees and the income was not properly accounted for. During the year 2013, there were litigations among the family members of the Trustee and based on the proceedings in Na.Ka.No.3982/2013/A3, dated 25.11.2013, the Temple was under the control of the Assistant Commissioner, HR & CE, Chennai and the Executive Officer of A/M Veeramangali Amman Thiru Koil, Anna Nagar was put in charge of fit person of the Temple to streamline the administration of the Temple.

3.After taking over the Temple by the Executive Officer, the income of the Temple was increased from Rs.43,869/- to Rs.1,81,30,006/-. In the year 2017, the income of the Temple was increased to Rs.1,91,37,766/- and in the year 2018, the income was further increased to Rs.2,11,38,003/-. A total amount of Rs.1,48,18,836/- is deposited in the Bank. At the time of taking over, there were 28 employees who were appointed by the trustees of the Temple. In order to run the administration properly, based on the recommendation of the Regional Audit Officer, HR & CE, Thirverkadu, Chennai, and as per Rule 14 of T.N. HR Institutions (officers & Servants) Services Rules, 1964, the Assistant Commissioner, HR & CE, issued orders to regulate 24 employees of the Temple and issued an order keeping the remaining 9 posts as vacant by his proceedings. Thereafter, the petitioner was posted to serve in Chennai Division.

4.Thereafter, the petitioner was issued with an order by the 2nd respondent stating that the petitioner cannot issue such an order fixing the time scale of pay to the employees of the temple and the salary paid to the employees has to be received from them. On 09.05.2019, the petitioner was issued with an order of suspension, and also directed to remain in Dharmapuri until further orders. On 27.05.2019, the petitioner made a representation to review the order of suspension by which time, the petitioner was issued with a Charge Memo containing 6



charges and after receiving the charge memo, has submitted a detailed explanation denying the charges.

5.The learned counsel for the petitioner would submit that though the petitioner was placed under suspension on 09.05.2019, till date the suspension order was not revoked and further, though the charge memo was issued on the same date till date there is no progress in the charge memo.

6.Considering the request made by the learned counsel appearing for the petitioner, this Court without going into the merits of the case directs the respondents to conclude the enquiry after giving opportunity to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to co-operate with enquiry. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Tourism, Culture and Religious
Endowment Department,
Fort St. George,
Chennai - 9.

2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam High Road,
Chennai - 34.

+1cc to Mr.M. Muthappan, Advocate sr.83126
+1cc to Government Pleader (HR & CE) sr.83255

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