



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty Fourth day of April, Two Thousand and Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and
The Hon`ble Mr.Justice P.D.AUDIKESSAVALU

REV.APLW(MD).No.38 of 2019
in
WP(MD).No.1084 of 2019

1. The Secretary to Government
Tourism Culture and Endowment Department
Secretariat, Chennai 600009 ...1st Petitioner/2nd Respondent

2. The Commissioner
The Hindu Religious and Charitable Endowments Department
No.119 Nungambakkam High Road,
Chennai -34 ...2nd Petitioner/3rd Respondent

3. The Joint Commissioner/Executive Officer
Arulmigu Meenakshi Sundareswarar Temple ,
Madurai ...3rd Petitioner/7th Respondent

vs.

1.A.Radhakrishnan ...1st Respondent/Writ Petitioner

2. The Secretary to Government
Public (Law & Order) Department
Secretariat, Chennai 600 009 ...2nd Respondent/1st Respondent

3. The Director General of Police
Kamarajar Salai, Chennai-4 ...3rd Respondent/4th Respondent

4.The District Executive Magistrate-cum-Collector,
Madurai. ...4th Respondent/5th Respondent

5 The Commissioner of Police,
Madurai ...5th Respondent/6th Respondent

6.Thiru. C.Shaji Rao, State Organizer, Tamil Nadu Temple Staffs
Association, At Arulmigu Meenakshi Sundareswarar Temple Campus,
Madurai. ...6th Respondent/8th Respondent



8.R.Karuppanan

9.Periyanambi Narasimha Gopalan

..Respondents

Prayer in REV.APLW(MD)No. 38 of 2019 :

Review Application filed Under Order 47 Rule 1 and 2 of Civil Procedure Code read with Section 114 of CPC, to Review the order dated 31.01.2019 made in WP.(MD) No. 1084 of 2019.

Prayer in WP(MD)No. 1084 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 7 to prevent the illegal strike announced by the 8th respondent all over the state by considering my representation dated 19/01/2019.

ORDER:

This Review Petition coming on for hearing this day through video conference, and upon perusing the grounds of petition and material papers and upon hearing the arguments of Mr. V.R.Shanmuganathan, Special Government Pleader, for the Petitioners, and of Mr.R.Ramasamy, Advocate for the Respondent No.6, Mr A.Radhakrishnan, Respondent No.1, appeared in person, this court made the following Order:

The Commissioner, HR & CE Department filed an affidavit dated 23 April 2019, indicating the steps so far taken pursuant to the direction issued by this Court, based on the assurance given by him in open Court. According to the Commissioner, a decision has to be taken by the Government in the matter.

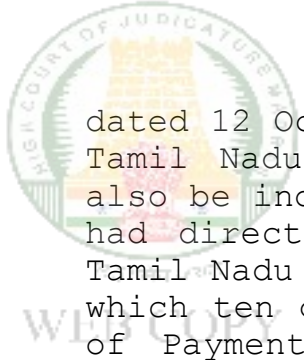
2. The Writ Petition was disposed of by order dated 31 January 2019 taking into account the assurance given by the Commissioner, HR & CE Department and the relevant materials produced by the employees of the temples. We have found considerable merit in the contentions taken by the employees with regard to their service conditions. It was only under such circumstances, we summoned the Commissioner, HR & CE Department and issued directions after ascertaining the factual position from him.

3. The Commissioner has already forwarded a proposal to the Government. The Government must take immediate action for approval of the proposal, taking into account the service interest of the employees of the temple.

4. We direct the Principal Secretary, HR & CE Department to file a comprehensive affidavit, taking into account the proposal submitted by the Commissioner. The action taken pursuant to each of such recommendations/proposal must also be given along with the outer time limit required for passing orders.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The action taken pursuant to the judgment of this Court



dated 12 October 2017 in W.A.No.326 of 2015 (State of Tamil Nadu vs. Tamil Nadu Temple's Retired Employees Welfare Association) should also be indicated in the affidavit. This Court, in the said judgment had directed the Commissioner, HR & CE Department, Government of Tamil Nadu to annually publish the list of religious institutions in which ten or more persons have been employed after the commencement of Payment of Gratuity Act, 1972, which came into force on 16 September 1972, on the first day of January every year, commencing from 1 January 2018.

6. We have in our order, made it clear that gratuity should be paid to the employees, taking into account the fact that there is no restraint order to deny such payment. The Principal Secretary, must therefore indicate the time required for passing orders for payment of gratuity to the employees of the temples.

Post on 29 April 2019 at 2.15 p.m.

Sd/-

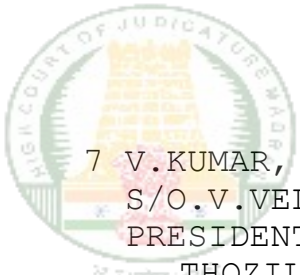
Assistant Registrar (CS II)

/True Copy/

Sub Assistant Registrar (CS IV)

TO:

1. A. RADHAKRISHNAN,
S/O. T. ARUMUGA GOUNDER,
21, SOUTH MADA STREET,
AZHWAR THIRUNAGARI,
TUTICORIN 628612
- 2 THE SECRETARY TO GOVERNMENT
PUBLIC (LAW & ORDER) DEPARTMENT.,
SECRETARIAT, CHENNAI-600 009.
- 3 THE DIRECTOR GENERAL OF POLICE
KAMARAJAR SALAI, CHENNAI-600 004
- 4 THE DISTRICT EXECUTIVE MAGISTRATE CUM COLLECTOR,
MADURAI.
- 5 THE COMMISSIONER OF POLICE,
MADURAI.
- 6 THIRU. C. SHAJI RAO,
STATE ORGANIZER,
TAMIL NADU TEMPLE STAFFS ASSOCIATION,
AT ARULMIGU MEENAKSHI SUNDARESHWARAR TEMPLE CAMPUS, MADURAI.



7 V.KUMAR,
S/O.V.VELLAICHAMY,
PRESIDENT OF PALANI ARULMIGU DHANDAYUTHAPANI SWAMI TEMPLE
THOZILNUTPPA PANIYALAR SANGAM,
NO.13/A-1, 2ND CRS.ST., LIONS CLUB ROAD,
SHANMUGAPURAM, DINDIGUL.

8 R.KARUPPANAN,
S/O.LATE.K.P. RAMAN PRESIDENT OF PALANI THIRUKOVIL
PANIYALAR SANGAM (REG.NO. 163/97),
NO.207, PATTALI KIZHAKKU STREET,
SOUTH ANNA NAGAR,
ADIVARAM, PALANI.

9 PERIYANAMBI NARASIMHA GOPALAN
S/O. PERIYANAMBI SRINIVASACHARIYAR,
NO.1/7, SANNIDHI STREET,
MANNARKOIL-627 413 AMBASAMUDRAM,
TIRUNELVELI DISTRICT.

COPY TO:
THE SECTION OFFICER,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER DATED:24.04.2019
NEXT HEARING DATE:29.04.2019

ORDER
REV.APLW(MD) .No.38 of 2019
in
WP(MD) .No.1084 of 2019

DS/ /SAR- (27.04.2019) 4P 11C