



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty Ninth day of April Two Thousand Nineteen

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



7.V.Kumar

... 7th Respondent/9th Respondent

8.R.Karuppanan

... 8th Respondent/10th Respondent

9.Periyanambi Narasimha Gopalan

... 9th Respondent/11th Respondent

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

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased 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 for the issuance of a Writ of Mandamus, directing the respondents 1 to 7 to prevent the illegal strike announced by the eighth respondent all over the state by considering the petitioner's representation dated 19.01.2019.

ORDER: This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.R.SHANMUGANATHAN, Special Government Pleader for (HR & CE) Officials and of MR.RAMASAMY, Advocate for the Respondent No.6, the court made the following order:-

(Order of the Court was made by K.K. SASIDHARAN, J.)

The Joint Secretary, Tourism, Culture and Religious Endowments Department filed an affidavit pursuant to the order dated 24 April 2019.

2. Even though the order was in the nature of a direction to the Principal Secretary, HR & CE Department to file an affidavit, the fact remains that the affidavit was only filed by the Joint Secretary to the Government. We deprecate the practice of filing affidavit by a delegatee officer before the Court. When it was specifically directed that the Principal Secretary must file the affidavit, the affidavit can be filed only by the named authority and not by the delegatee. There cannot be any delegation in view of the specific direction. We therefore direct the Principal Secretary to file an affidavit within one week.

3. The present affidavit filed by the Joint Secretary contains the details of the cut-off dates with respect to each of the directions. According to the Government, the gratuity issue would be settled and appropriate orders will be passed by 30 June 2019. The said period appears to be long, taking into account the background of the litigation. We therefore direct the Government to take the decisions in the light of the order passed by the Division Bench of this Court in W.A. No. 326 of 2015 and the earlier order passed by



this Court on 31 January 2019 and issue orders on or before 3 June 2019 and produce a copy of the said order before this Court on 4 June 2019.

4. The Government must also produce the list of religious institutions in which ten or more persons have been employed and functioning as such, on the commencement of the Payment of Gratuity Act, 1972. The said list also should be published before 3 June 2019 and a copy of the same shall be produced before this Court 4 June 2019.

5. In paragraph No. 4 of the affidavit, the Government have stated that the Committee constituted for considering the direction Nos. 2, 3, 4, 6 and 7 in the order dated 31 January 2019 will submit its report before 10.05.2019. The said undertaking is taken on record. Let the Committee submit its report on or before 10 May 2019. We direct the Government to consider the report and pass appropriate orders on or before 30 June 2019. The order so passed should be produced before this Court on 2 July 2019.

6. The Government wanted time till 31 July 2019 to consider the remaining directions. We extend the time up to 30 June 2019 finally. Let orders be passed by the Government taking into account the spirit of the directions issued by this Court and produce a copy of the order before this Court on or before 2 July 2019.

7. Post this matter tentatively on 4 June 2019.

sd/-
29/04/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Secretary to Government,
Tourism Culture and Endowment Department,
Secretariat, Chennai 600009.

2. The Commissioner,
The Hindu Religious and Charitable
Endowments Department,
No.119, Nungambakkam High Road,
Chennai -34.

3. The Joint Commissioner/Executive Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Arumigudi Neenakshi Sundreswarar Temple,
Madurai.



4. The Secretary to Government,
Public (Law & Order) Department,
Secretariat, Chennai 600 009.

5. The Director General of Police,
Kamarajar Salai, Chennai-4.

6 The District Executive Magistrate
cum Collector,
Madurai.

7 The Commissioner of Police,
Madurai.

ORDER
IN
REV.APLW(MD) .No.38 of 2019
in
WP(MD) .No.1084 of 2019
Date :29/04/2019

JM/JC/SAR 4/17.05.2019/4P/8C