

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1644 of 2020

J.Muthamil Selvan

...Petitioner

Vs.

1.The Principal Secretary / Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Head Quarters, Suchindrum - 629 704.
Kanyakumari District.

3. The Deputy Commissioner / Executive Officer,
Incorporated and Unincorporated Devasthanams,
Suchindrum - 629704
Kanyakumari District.

...Respondents

Prayer:- Writ petitions filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the 1st respondent to consider my representation
dated 19.01.2019 and to designate the petitioner to the post
of Junior Executive from Special Security /Security.

For Petitioner : Miss.A.S.Neela Narayani

For Respondents : Mr.M.Karthikeyan

Special government Pleader for
for R1 to R3.

O R D E R

This writ petition has been filed for the issue of
writ of Mandamus directing the 1st respondent to consider the
representation made by the petitioner and to designate him to
the post of Junior executive from the Post of Special
Security.

2. The case of the petitioner is that he was appointed
as a Special Security in the Hindu Religious and Charitable
Endowment Department (HR&CE) in the year 1996. Thereafter, he
was also regularized. It is the further case of the
petitioner that the petitioner is working in the Senior grade
and is drawing the salary, which is similar to the post of

Junior Executive. Therefore, the petitioner gave a representation to the 2nd respondent to designate him to the post of Junior Executive. The 2nd respondent on receipt of the representation, has also sent a proposal to the 1st respondent to designate the petitioner as a Junior Executive. According to the petitioner, the designation does not involve any monetary benefits and therefore, there are no financial implications if the petitioner is designated as a Junior Executive. Since no orders were passed, the petitioner gave a representation to the respondents 1 and 2 on 19.01.2019, since there was a vacancy in the post of Junior Executive. The 2nd respondent had again sent a letter dated 21.01.2019 to the 1st respondent, wherein, he has stated that there is one vacancy to the post of Junior Executive and that the petitioner can be considered for re-designation to the said post. Since no orders were passed by the 1st respondent, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the 2nd respondent has already forwarded a proposal to the 1st respondent by his proceedings dated 21.01.2019, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 19.01.2019 and also the proposal of the 2nd respondent dated 21.01.2019 and pass appropriate orders, in accordance with law within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the earlier representation dated 19.01.2019 and the proceedings of the 2nd respondent dated 21.01.2019 and also the copy of this order. The copy of the letter shall be marked to the 2nd respondent also.

5. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1.The Principal Secretary / Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai, Nungambakkam,
Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Head Quarters, Suchindrum - 629 704.
Kanyakumari District.

3. The Deputy Commissioner / Executive Officer,
Incorporated and Unincorporated Devasthanams,
Suchindrum - 629704
Kanyakumari District.

+1cc to M/s.A.S.Neela Narayani, Advocate SR.No.5924

+1cc to Special Government Pleader SR.No.6344

W.P.No.1644 of 2020

CNR (CO)
GMY (11/02/2020)



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