

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.18920 of 2005
and
W.P.M.P.No.20478 of 2005

A/M. Kottai Mariamman Temple,
Dindigul, Rep. by the
Hereditary Managing Trustee.

... Petitioner

Vs

1.The Commissioner of HR & CE Department,
Nungambakkam,
Chennai 600 034.

2.The Joint Commissioner of HR & CE Department,
Madurai.

3.P.Thillai Natarajan

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st Respondent herein, pertaining to the order dated 01-02-2005, made in RP No.39/2001-D2 and quash the same.

For Petitioner : Mr.Srinath Sridevan

For Respondents : Mr.M.Karthikeyan,
Special Government Pleader (HR & CE)
for R1 & R2

Mr.P.Gopalan for R3

ORDER

The writ petition has been filed seeking to issue a Writ of Certiorari, calling for the records of the 1st Respondent herein, pertaining to the order dated 01.02.2005, made in RP No.39/2001-D2 and quash the same.

2.The third respondent was employed as watchman in petitioner temple. There were certain complaints against the third respondent on 05.08.1993 and 20.10.1994, on the basis of

which, he was placed under suspension on 21.10.1994. A charge memo was issued on 22.10.1994 and the third respondent submitted his explanation on 01.11.1994. After enquiry, the petitioner dismissed the third respondent from services on 20.03.1995. Against which, the petitioner filed an appeal before the second respondent and the same was dismissed on 02.03.2001. Thereafter, a review petition was filed before the first respondent and the first respondent herein allowed the same on 01.02.2005 ordering reinstatement, against which, the Management of the temple/petitioner herein has filed the above writ petition.

3.I have considered the rival submissions.

4. The learned Special Government Pleader(HR & CE) appearing for the respondents 2 and 3 was also present.

5. The fact remains that there were certain charges against the third respondent and enquiry was also held. As of today the order of removal from service was, set aside by first respondent, and it is put to test before this Court. Presently, the third respondent is aged about 66 years. Considering the totality of circumstances and in order to give a quietus to the issue, I mediated between the parties. After negotiations, both the parties have agreed to settle the matter by paying and receiving a sum of Rs.1,75,000 (Rupees One Lakh Seventy Five Thousand only).

6. Accordingly,

(i) the writ petitioner shall pay a sum of Rs.1,75,000 (Rupees One Lakh Seventy Five Thousand only) to the third respondent towards full and final settlement within a period of two weeks from the date of receipt of a copy of this order.

(ii) The first respondent shall ratify the payment, when a communication in this regard is sent by the petitioner to him.

(iii) The third respondent shall not have any further right or claim or demand of compensation in any form or against his removal from service, against the writ petitioner in future.

7. In terms of the above settlement, the Writ Petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

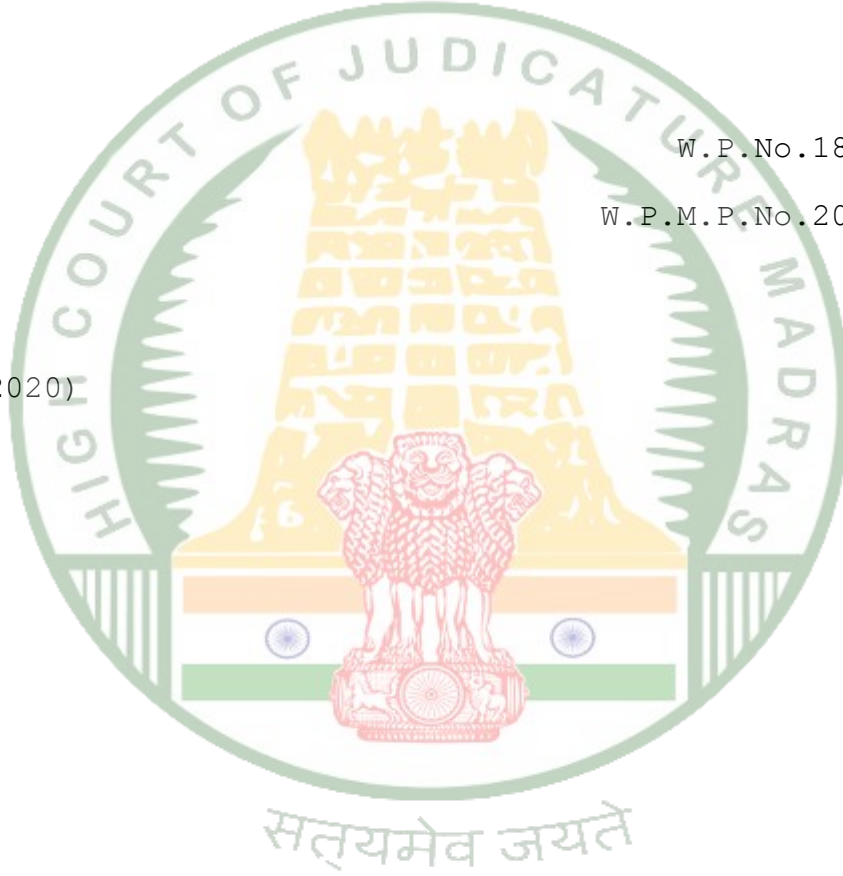
To

1. The Commissioner of HR & CE Department,
Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner of HR & CE Department,
Madurai.

+1 CC to Govt. Pleader sr 13240.
+1 CC to Mr. Srinath Sridevan, Advocate sr 12363.
+1 CC to Mr.P.Gopalan, advocate sr 12230.

W.P.No.18920 of 2005
and
W.P.M.P.No.20478 of 2005

PM(CO)
SP(17/02/2020)



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