



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.771 of 2020

D. Karthick

Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
3. The Executive Officer,
Arulmighu Sundareswarar Swamy Thirukovil,
Valamarakottai,
at Kodeeswaran Trust Office,
Mela Veethi,
Thanjavur.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to regularize the petitioner's service in the 3rd respondent temple with effect from January 2011, with all service benefits and arrears of back wages and all other consequential attendant benefits to the petitioners as per Hindu Religious and Charitable Endowment Act on regularized scale.

For Petitioner : Mr.N.Sudhagar Nagaraj

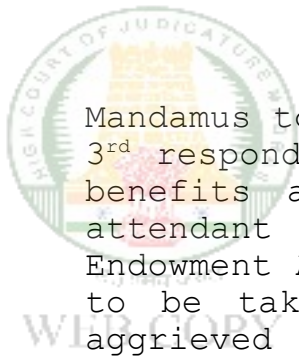
For Respondents : For R1 & R2 - Mr.V.R.Shanmuganathan
Special Government Pleader

For R3 - Mr.V.Chandrasekar

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of Writ of



Mandamus to the respondents 1 and 2 to regularize his service in the 3rd respondent temple with effect from 25.10.1996, with all service benefits and arrears of back wages and all other consequential attendant benefits to him as per Hindu Religious and Charitable Endowment Act on regularized scale., in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representations on 12.12.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations, dated 12.12.2019, on its own merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

vrn

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-2104[F] dt.21/01/2020

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