



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.3986 of 2020

WEB COPY

M.Manikandan

... Petitioner

/vs./

1.The Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Chennai.

2.The Assistant Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Tirunelveli.

3.The Executive Officer,  
Arulmigu Desa Achariyar  
Veeravanangaiamman Thirukovil,  
Alagiyapandiyapuram,  
Kanyakumari District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to appoint the petitioner in the post of night watchman at Arulmigu Desa Achariyar Veera Nangai Amman Temple situated at Alagiyapandiyapuram and to pay the arrears of salary from April-2019 to September-2019 vide his representation dated 24.07.2019 and further representation dated 27.02.2020.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.V.R.Shanmuganathan  
Special Government Pleader

**ORDER**

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 direct the respondents to appoint him in the post of night watchman at Arulmigu Desa Achariyar Veera Nangai Amman Temple situated at Alagiyapandiyapuram and to pay the arrears of salary from April-2019 to September-2019, 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 representation on 17.02.2020 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 representation, dated 17.02.2020, 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 his representation and it is for the third respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

1.The Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Chennai.



2.The Assistant Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Tirunelveli.

3.The Executive Officer,  
Arulmigu Desa Achariyar  
Veeravanangaiamman Thirukovil,  
Alagiyapandiyapuram,  
Kanyakumari District.

+1 CC to M/s.D.SARAVANAN, Advocate ( SR-8863[F] dated 27/02/2020 )

+1 CC to M/s.H.ARUMUGAM, Advocate ( SR-9071[F] dated 28/02/2020 )

Order made in  
W.P. (MD) No.3986 of 2020  
Dated:27.02.2020

TR(10.03.2020) 3P 6C