



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.09.2020**

CORAM

THE HON'BLE MR.JUSTICE **R.SURESH KUMAR**

W.P. (MD) No.12000 of 2020

WEB COPY

P.Kamaraj

... Petitioner

-Vs-

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai 600 034.

2.The Joint Commissioner/Fit Person/Thakkar,
Arulmigu Thandayuthapaniswamy Temple,
Palani, Dindigul District.

... Respondents

Prayer: Writ Petitions are filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 22.08.2019 and 20.08.2020 and consequently, direct the respondents to promote the petitioner for the vacant post of foreman within a stipulated period as framed by this Court.

For Petitioner	: Mr.P.Balamurugan
For Respondents	: Mr.K.P.Narayanakumar Special Government Pleader for R1 Mr.K.Govindarajan for R2

ORDER

Prayer sought for herein is for a Writ of Mandamus, to direct the respondents to consider the petitioner's representations, dated 22.08.2019 and 20.08.2020 and consequently, direct the respondents to promote the petitioner for the vacant post of foreman within a period to be stipulated by this Court.

2.Heard Mr.P.Balamurugan, learned counsel appearing for the petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the first respondent and Mr.K.Govindarajan, learned counsel appearing for the second respondent.

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



4.The petitioner had been working at the second respondent temple as Electrician Helper and he has been working for several years in that temple and at that time, his service was pressed into for operation of winch as Winch Operator. In this regard, the next promotional avenue for the petitioner is Foreman, for which, though the petitioner is having necessary qualifications and experience, his name has not been considered so far, therefore, in order to get such promotion to the post of Foreman, he has made a request to the respondents by way of representations on 19.08.2019, 22.08.2019, 23.10.2019 and 20.08.2020. Since all these representations have not been considered by the second respondent, in order to consider the same, seeking a writ of mandamus as prayed for herein, the petitioner has filed the present writ petition.

5.The learned counsel appearing for the petitioner would submit that, a similar issue has already been decided by a learned Judge of this Court in W.P(MD).No.770 of 2016, by order dated 20.11.2018, where the learned Judge has given the following directions:

".....

5.In the light of the above fact, though the Recruitment Rules which have come into force on 28.06.2010, the writ petitioner herein had been promoted as Winch Operator in the year 2008 and has acquired experience, which has prompted the second respondent to vest him the responsibility of Foreman Winch (incharge). If the writ petitioner is otherwise found fit for the post of Foreman, the second respondent shall consider his name to be appointed as Foreman on regular basis as an exceptional case to G.O.Ms.No.255, dated 28.06.2010, following the other procedures.

6.Relying upon the same, I had an occasion to consider the similar writ petition in W.P(MD).No. 11763 of 2020 in the matter of **M.Mayilsamy Vs., The Commissioner, Hindu Religious & Charitable Endowments Department, No.119, Uthamar Gandhi Road, Nungambakkam, Chennai and another**, dated 16.09.2020, where I had passed the following order:

"that the respondents, especially, second respondent is hereby directed to consider the representations of the petitioners dated 20.08.2020, separately submitted by each of the petitioners and decide the same on merits and in accordance with law, as to the grievance and plea of the petitioners to seek promotion to the post of either Winch Man Operator or Foreman and accordingly, pass necessary orders to that effect, of course on merits and in



accordance with the regulations to that effect and such order shall be passed by the second respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order."

7. Therefore, the learned counsel for the petitioner would submit that, similar order can be passed in this writ petition also, as the petitioner is also similarly placed.

8. The learned counsel appearing for the second respondents has not controverted the aforesaid fact. However, as to whether the petitioner would be eligible to be considered for the said post of Foreman, would be decided by the second respondent temple on merits and in accordance with law and accordingly, the representations of the petitioner would be considered, within a time frame that may be stipulated by this Court.

9. Considering the said submissions made by the learned counsel appearing for both sides and having regard to the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:

"that the respondents, especially, second respondent is hereby directed to consider the representations of the petitioner, dated 19.08.2019, 22.08.2019, 23.10.2019 and 20.08.2020 and decide the same on merits and in accordance with law, as to the grievance and plea of the petitioner to seek promotion to the post of Foreman and accordingly, pass necessary orders to that effect, of course on merits and in accordance with the regulations to that effect and such order shall be passed by the second respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be

<https://hcdresponsonline.nic.in> the responsibility of the Advocate/litigant concerned.



To

The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai 600 034.

+1 CC to Mr.P. BALAMURUGAN, Advocate (SR-17482[F]
dated 18/09/2020)

+1 CC to SPL GP (SR-17570[F] dated 21/09/2020)

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18.09.2020

VB (19.11.2020) 4P 4C