



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) Nos.11763 and 11847 of 2020

M.Mayilsamy ...Petitioner in W.P. (MD) No.11763 of 2020
P.Mariappan ...Petitioner in W.P. (MD) No.11847 of 2020

-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.
Pincode-624601. ... Respondents in both W.Ps.

COMMON PRAYER: Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners' representations dated 17.12.2018 and 20.08.2020 and consequently, directing the respondents to promote the petitioners for the vacant post of Foreman within a stipulated period as framed by this Court.

In both Writ Petitions
For Petitioners : Mr.P.Balamurugan
For R1 : Mr.K.P.Narayanakumar,
Standing Counsel.
For R2 : Mr.K.Govindarajan

COMMON ORDER

Since the issue raised in both the Writ Petitions is one and the same and the relief sought for is also similar, with the consent of the learned counsel on both sides, these Writ Petitions are heard together and disposed of at the admission stage itself by way of this common order.

2.The prayer sought for in these Writ Petitions is for a Writ of Mandamus, directing the respondents to consider the petitioners' representations dated 17.12.2018 and 20.08.2020 and consequently, directing the respondents to promote the petitioners for the vacant post of Foreman, within a stipulated period as fixed by this Court.



3. Heard Mr.P.Balamurugan, learned counsel appearing for the petitioners, Mr.K.P.Narayanakumar, learned Standing Counsel and Mr.K.Govindarajan, learned counsel, who take notice on behalf of the respondents 1 and 2 respectively in both Writ Petitions.

4. Both the petitioners are working with the second respondent Temple as Helper, they have been pressed into service in the winch operation of the second respondent Temple. Since they have been continuously working for long years, they wanted to be promoted as either Winch Operator or Foreman and accordingly, both the petitioners had given separate representations on 20.08.2020.

5. In this context, it is the submission of the learned counsel appearing for the petitioners that, if these representations dated 20.08.2020 submitted separately by both the petitioners are directed to be considered on merits by the second respondent and an order to that effect is directed to be passed within a time frame, the petitioners would be satisfied.

6. Heard Mr.K.Govindarajan, learned counsel appearing for the second respondent, who would submit that, whether the petitioners would be entitled to claim, as they have sought for in the respective representations, would be considered on merits by the second respondent Temple and accordingly, a decision would be taken, on merits and in accordance with law, within a reasonable time that may be fixed by this Court.

7. The said submissions made by the learned counsel appearing for the parties, especially, the learned counsel appearing for the second respondent, are taken note of and in view of the said submissions, since the prayer is innocuous in nature in both the Writ Petitions as claimed by the petitioners through the learned counsel, who is appearing for them, this Court is inclined to pass 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 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."



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8. With this direction, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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 the responsibility of the advocate/litigant concerned.

To

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.
Pincode-624601.

+2 CCs to Mr.P.BALAMURUGAN, Advocate SR-17187 & 17188.
+1 CC to the SPL GP SR-17309 & 17308.

Order made in
W.P. (MD) Nos.11763 and 11847 of 2020
16.09.2020

ARK(CO)
CS(09.11.2020) 3P 6C