



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.20949 of 2014

and

M.P (MD)No.1 of 2014

WEB COPY

K.Saravanakumar

... Petitioner

Vs.

The Executive Officer,
Arulmigu Naathagiri Balasubramania Swami
Thirukoil,
Koodaloor,
Sivagiri Taluk,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent in his proceedings dated 13.11.2014 and quash the same as illegal and arbitrary and consequently direct the respondent to reinstate the petitioner into service with all monetary benefits.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.C.Mayil Vahana Rajendran

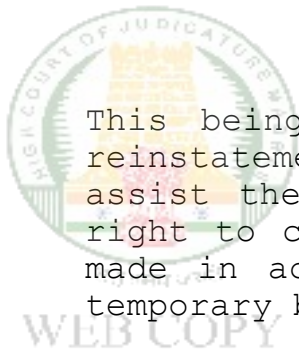
O R D E R

The order dated 13.11.2014, terminating the services of the writ petitioner from the Temple, is under challenge in the present Writ Petition.

2. The petitioner was appointed as Cook Assistant, on temporary daily wage basis. A criminal case was registered against the Writ Petitioner under Section 41(1)(A) of the TNP Act and he was arrested. Based on the fact that the petitioner was working as daily wage employee, more specifically, in 'Annadhana Koodam', he was terminated from service.

3. The allegation against the petitioner was that he was selling liquor bottles and not maintaining good conduct in the "Annadhana Koodam" in Arulmighu Naathagiri Balasubramania Swami Temple, Koodaloor. The 'Annadhana Scheme' is implemented pursuant to the policy of the Government in the name of The Hon'ble Chief Minister.

4. This Court is of the considered opinion that the petitioner was engaged as temporary daily wage cook assistant and a criminal case was registered with an allegation of selling of liquor bottles.



This being the factum, the petitioner has no right to seek any reinstatement, as he was engaged as a daily wage cook assistant to assist the employees of the Temple. Thus, the petitioner has no right to claim any appointment, as his initial appointment was not made in accordance with the Rules and further, he was engaged on temporary basis as daily wages employee.

5. In this view of the matter, the petitioner is not entitled for the relief of reinstatement as such prayed for. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AE)

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/ /2020

Sub Assistant Registrar(CS)

MPK

To

The Executive Officer,
Arulmigu Naathagiri Balasubramania Swami
Thirukoil,
Koodaloor,
Sivagiri Taluk,
Tirunelveli District.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-25521[F] dated 15/12/2020)

W.P. (MD) No.20949 of 2014

14.12.2020

MJ (CO)

KK(22.12.2020) 2P 3C