



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1245 of 2017

WEB COPY

S.Karthick

...Petitioner

Vs.

1. The Secretary,
Tourism, Culture and Religious Endowment
Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uthamar Gandhi Street,
Chennai-34.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

4.C.Muthu Thiagarajan

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first and second respondents to take appropriate departmental action against the fourth respondent by considering the petitioner's representation dated 17.10.2016 and 31.10.2016 within a period that may stipulated by this Court.

For Petitioner	: Mr.C.Guhaseelarupan
For R-1 to R-3	: Mr.V.R.Shanmuga Nathan Special Government Pleader
For R-4	: Mr.P.Ganapathi Subramanian

ORDER

Heard the learned counsel on either side.

2.The petitioner is a Poojari, working in Arulmigun Pandi Muneeswarar Temple, Melamadai, Madurai. He wants the respondents 1 and 2 to take action against the fourth respondent.

3.I am afraid that this relief cannot be granted in these writ proceedings for two reasons. Whether to take disciplinary



action against one's employee or not, is a matter that is left to the discretion of the employer.

4.The Writ Court cannot compel the employer to take disciplinary action against his or its employee. That apart as pointed out by the learned Special Government Pleader, the fourth respondent is no longer in service. He has retired and the employer / employee relationship has snapped. Hence, the employer even if he wants to take disciplinary action against the erstwhile employee cannot do so. The very institution of this Writ Petition is misconceived.

5.The Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg

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 Secretary,
Tourism, Culture and Religious Endowment Department,
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Chennai-600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Street,
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Madurai.

ORDER MADE IN

W.P. (MD) .No.1245 of 2017

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VB (21.07.2020) 2P 4C

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