

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2032 of 2021 and
W.M.P. No.2303 of 2021

S.Elumalai

.. Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowments Department
Uttamar Gandhi Salai, Nungambakkam
Chennai - 600 034

2. The Joint Commissioner/Executive Officer
Arulmigu Arunachaleswarar Temple
Thiruvannamalai - 606 601

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in Se.Mu.Na.Ka. No.171/2020/A7 dated 20.03.2020, quash the same and further direct the 1st respondent to dispose of the appeal filed by the petitioner on 10.12.2020 and conduct an enquiry and pass appropriate orders for regularising the service of the petitioner.

For Petitioner : Ms.Lucia Priyadarshini

For R1 and R2 : Mr.M.Karthikeyan,
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition for a writ of certiorarified mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in Se.Mu.Na.Ka. No.171/2020/A7 dated 20.03.2020, quash the same and for a further direction to the 1st respondent to dispose of the

appeal filed by the petitioner on 10.12.2020 and conduct an enquiry and pass appropriate orders for regularising the service of the petitioner.

2. The case of the petitioner is that he joined the service in the second respondent temple on 01.03.2002 as a daily wage employee. He joined service as a Guard and he was paid Rs.15/- per day and the consolidated monthly pay was Rs.450/- per month. The daily wages was gradually increased and in March 2007, he was paid Rs.100/- as daily wage. Petitioner was continuously working in the temple, however, from 01.01.2012 to 27.12.2013, his salary was not paid. Hence, he made several oral representations to the 2nd respondent and the then Joint Commissioner Mr.Senthilvelavan had appointed the petitioner as an employee in the Prasadham Stall on 17.11.2014. The petitioner was working continuously in the Prasadham stall till 2017 and was receiving a consolidated salary of Rs.4,500/- which was directly remitted to his bank account.

3. While so, on 18.01.2017, the then newly appointed Joint Commissioner Ms.Haripriya, had orally ordered the petitioner not to work in the Prasadham stall. As against the said oral termination, the petitioner had made several representations. As his representation was not considered, he had filed a writ petition in W.P. No.2338 of 2020 and on 03.02.2020, while disposing of the writ petition, this court has ordered the second respondent herein to consider petitioner's representation. In obedience to the order of this court, the second respondent considered and rejected the representation of the petitioner on 20.03.2020, which is impugned in the writ petition. As against the said order, the petitioner has also preferred an appeal before the first respondent on 10.12.2020 and the same was received by them 11.12.2020. Hence the petitioner has approached this court to quash the impugned order for a further direction to the first respondent to dispose of the appeal.

4. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

5. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the first respondent, namely the Commissioner, Hindu Religious and Charitable Endowments Department, Uttamar Gandhi Salai, Nungambakkam, Chennai - 600 034, to dispose of the appeal filed by the petitioner on 10.12.2020, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. Consequently, the connected writ miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

To

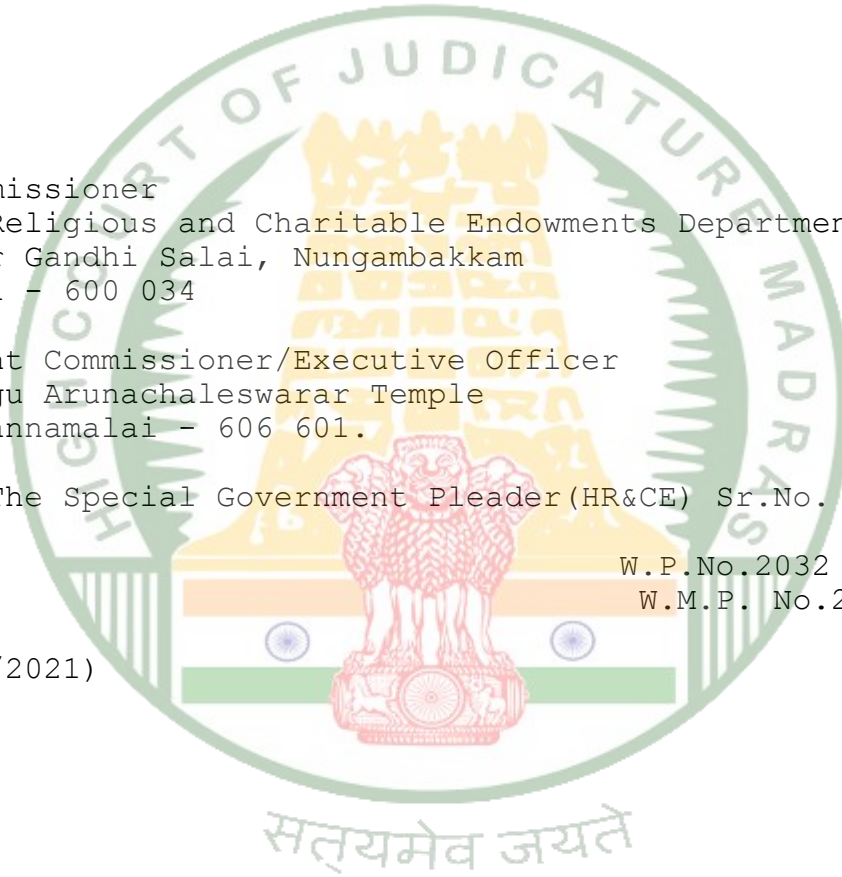
1.The Commissioner
Hindu Religious and Charitable Endowments Department
Uttamar Gandhi Salai, Nungambakkam
Chennai - 600 034

2.The Joint Commissioner/Executive Officer
Arulmigu Arunachaleswarar Temple
Thiruvannamalai - 606 601.

+1 cc to The Special Government Pleader (HR&CE) Sr.No. 5782

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PA (CO)
RMP (15/03/2021)



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