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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7411 of 2021

A.Kadhirvel

...Petitioner

-vs-

1. The District Collector,
District Collector Office,
Erode District.
2. The Commissioner,
Hindu Religious and Charitable Endowments Board,
119, Uthamar Gandhi Salai,
Numbgambakkam Road,
Chennai - 600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Dr.Balasundaram Road,
(Near Anna Statue),
Coimbatore - 18.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Erode District.
5. The Taluk Inspector,
Hindu Religious and Charitable Endowments Board,
Sri Sangameshwarar Temple Office,
Bhavani,
Erode District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to direct



the 5th respondent to grant petitioner pension in accordance to G.O.Ms.No.114 of 2020 and by considering the petitioner application dated 24.10.2018.

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For Petitioner : Mr.R.Shase
For Respondents : Mr.P.V.Selvakumar, (for R1)
Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the 1st respondent to grant petitioner pension in accordance to G.O.Ms.No.114 of 2020 and by considering the petitioner application dated 24.10.2018.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for R1. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that he was an employee in Arulmigu Sri Sellandiamman Temple situated in Nerinjipettai which comes under the Hindu Religious and Charitable Endowments Department. According to him, he is eligible to get pension as per G.O.Ms.No.114/2020, Tourism, Culture, Religious Endowment in No.SRO A-29(d) /2020. But, the respondents have not considered the request of the petitioner with regard to the grant of pension. Hence, this Writ petition.

4. When the matter is taken up for hearing, it is represented by the learned Additional Government Pleader appearing for respondents that the petitioner has not directly forwarded the representation to the 4th or 5th respondent. However, if the petitioner is able to produce all the material documents available with him before the 4th or 5th respondent, the request of the petitioner will be considered on merits.



5. Considering the facts and circumstances of the case and taking into account the fact that the representation of the petitioner is already pending before the respondents for more than two years, the Writ Petition is disposed of with the following directions:

i) The petitioner is directed to submit a fresh application along with all relevant material documents directly to the 4th respondent forthwith and the 4th respondent is directed to consider the said representation preferred by the petitioner and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 4th respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation and this order, to the 4th respondent forthwith;

v) The 4th respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of



decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

vum

To

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Sri Sangameshwarar Temple Office,
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+1cc to Mr.M.Guruprasad, Advocate, SR.No.18827
+1cc to Government Pleader, Sr.No.19263

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PCH(CO)
KKV/28/05/2021