

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10885 of 2021
and
W.M.P.No.11521 of 2021

S.Mohanakrishnan Battachar

...Petitioner

Vs

1.The Commissioner,
HR & CE Administration Department,
Nungambakkam High Road,
Chennai-34.

2.The Joint Commissioner,
HR & CE Administration Department,
Vellore.

3.The Assistant Commissioner/
Executive Officer,
Arulmighu Sri Lakshmi
Narasimhaswamy Temple,
Sholingur, Wallajah Taluk,
Vellore District-632 102.

4.B.V.Sridhar Battachar,
Archagar-Mirasdar,
No.22, Subba Rao Street,
Sholingur-630 102,
Vellore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first to third respondents to consider the petitioner's representation dated 06.12.2020 and consequently direct the third respondent to permit the petitioner to continue render the service as archagar to the Arulmighu Anjaneyarswamy Thirukkoil situated on the small hill (Chinnamalai).

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.Karthikeyan, SGP for R1 & 2

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's request to the respondents to permit the petitioner to continue render the service as Archagar in Arulmighu Anjaneyarswamy Thirukkoil situated on the small hill (Chinna Malai), was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 06.12.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the third respondent herein to consider the petitioner's representation dated 06.12.2020 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 06.12.2020 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order, after giving due opportunity to the petitioner as well as the fourth respondent.

6. At this juncture, the learned Special Government Pleader submitted that the petitioner shall continue to serve in the temple, but he will not be entitled to claim salary, but would be entitled for the 'Thattu Kanikkai'. The said submission is hereby recorded.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbn/hvk
To

- 1.The Commissioner,
HR & CE Administration Department,
Nungambakkam High Road,
Chennai-34.
- 2.The Joint Commissioner,
HR & CE Administration Department,
Vellore.
- 3.The Assistant Commissioner/
Executive Officer,
Arulmighu Sri Lakshmi
Narasimhaswamy Temple,
Sholingur, Wallajah Taluk,
Vellore District-632 102.

+1cc to Mr.V.Raghavachari, Advocate Sr.26303

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svI[co]
srg 18/06/2021

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