

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31037 of 2016
and
W.M.P.No.26905 of 2016

G.Bhaskar

...Petitioner

Vs

1.The Executive Officer,
Arulmigu Balasubramaniya Swamy ThiruKoil
& Alayamman Thirukoil,
No.73, Eldams Salai, Teynampet,
Chennai - 18.

2.The Joint Commissioner,
HR & CE, Chennai Zone,
Mahatma Gandhi Salai,
Nungambakkam, Chennai - 34.

3.The Commissioner,
HR & CE, Mahatma Gandhi Salai,
Nungambakkam, Chennai - 34.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to dispose the appeal dated 21/09/2015 within the stipulated period on merits and permit the petitioner to continue to perform Thavil (Melam) Service at Arulmigu Balasubramaniya Swamy Thiru Koil & Alayaman Thiru Koil situated at Teynampet Chennai-18.

For Petitioner : Mrs.R.T.Sundari
for Mr.R.Margabandhu

For R1 : Mr.S.Surya
for M/s.A.S.Kailasam & Associates

For R2 & R3 : Mr.S.Prabhu, AGP

ORDER

The relief sought for in this writ petition is to direct the 2nd respondent to dispose of the appeal dated 21/09/2015 filed by the petitioner, thereby permitting him to continue to perform

Thavil (Melam) Service at Arulmigu Balasubramaniya Swamy Thirukoil & Alayamman Thirukoil situated at Teynampet, Chennai-18.

2. According to the petitioner, he is performing Thavil (Melam) at Arulmigu Balasubramaniya Swamy Thirukoil and Alayamman Thirukoil from June 2010, on consolidated pay of Rs.3,000/- per month. As per the proceedings of the 3rd respondent dated 25.08.2014, the petitioner having completed 5 years of service, became eligible for regularisation of service. However, the 1st respondent without any notice / enquiry / order, terminated the petitioner from service on 23.10.2014, to which the petitioner gave explanation on 25.10.2014. Pursuant to the same, the first respondent called the petitioner for enquiry, but no enquiry was conducted, which compelled him to submit representations to the first respondent permitting the petitioner to continue in service. Finding no response on the same, he preferred an appeal dated 21.09.2015 to the second respondent requesting to reinstate him in service. Since no order was passed on the said appeal, the present writ petition came to be filed for the aforesaid relief.

3. Heard both sides and perused the materials placed before this Court.

4. Considering the limited relief sought herein, this Court, without going into the merits of the case, directs the second respondent to consider the appeal dated 21.09.2015 filed by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते
-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

mtl

To

1. The Executive Officer,
Arulmigu Balasubramaniya Swamy ThiruKoil
& Alayamman Thirukoil,
No.73, Eldams Salai, Teynampet,
Chennai - 18.

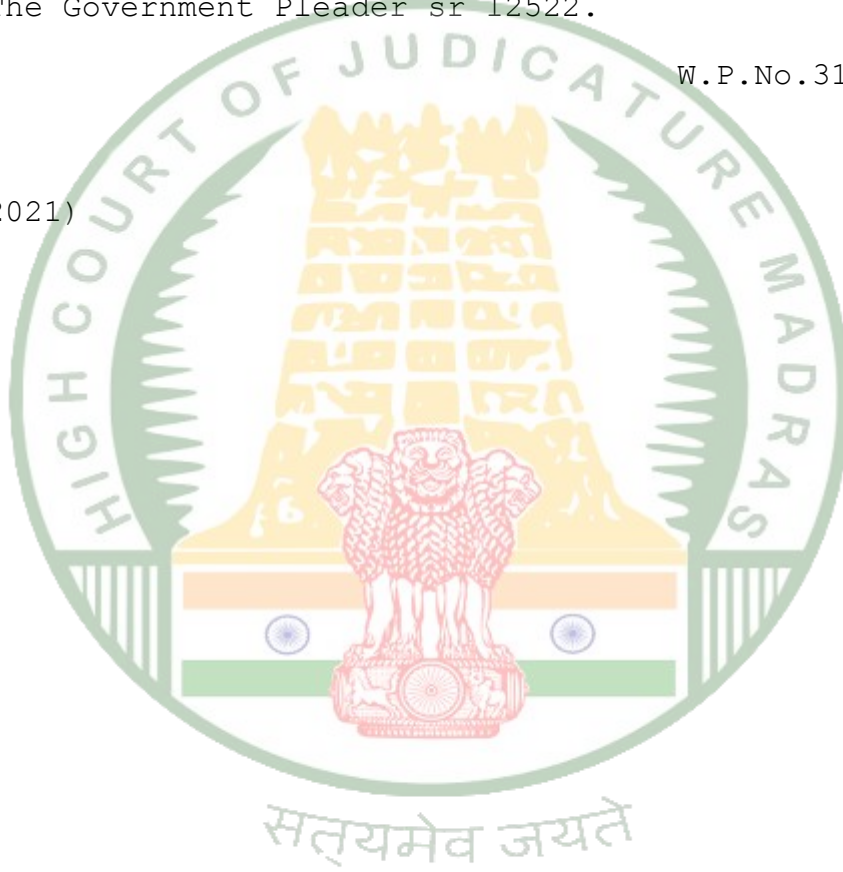
2.The Joint Commissioner,
HR & CE, Chennai Zone,
Mahatma Gandhi Salai,
Nungambakkam, Chennai - 34.

3.The Commissioner,
HR & CE, Mahatma Gandhi Salai,
Nungambakkam, Chennai - 34.

+1 CC to Mr.A.S. Kailasam, Advocate sr 11508
+1 CC to Mr.R. Margabandhu, Advocate sr 11187
+1 CC to The Government Pleader sr 12522.

W.P.No.31037 of 2016

RGN(CO)
SP(08/07/2021)



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