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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23659 of 2021
and W.M.P.No.24908 of 2021

(Through Video Conferencing)

M.Prabhakaran

... Petitioner

Vs

1. The Fit Officer / Thakkar,
Arulmigu Arunachaleswarar Mattrum
Varadaraja Perumal Temple,
Chennai-79.

2. The Executive Officer,
Arulmigu Arunachaleswarar Mattrum
Varadaraja Perumal Temple,
Chennai-79.

3. The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department,
Division-I, Padi, Chennai-50.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondents in connection with the impugned order passed by the 1st Respondent in Pro.Na.Ka.No.01/2019 dated 19/08/2019 and quash the same and direct the Respondents to reinstate the petitioner into service with all consequential service and monetary benefits.

For Petitioner : Mr.M.Alagu Goutham

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

This writ petition is filed to issue a writ of Certiorarified Mandamus, calling for the records of the



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Respondents in connection with the impugned order passed by the 1st Respondent in Pro.Na.Ka.No.01/2019 dated 19/08/2019 and quash the same and direct the Respondents to reinstate the petitioner into service with all consequential service and monetary benefits.

2. This writ petition is disposed at the time of admission, considering the fact that already an order dated 24.09.2021 has been passed in the case of the petitioner in W.P.No.20528 of 2021. The said writ petition was filed by the petitioner for the direction to the respondents to pay Subsistence allowance. The said writ petition was disposed by directing the respondents to pay the subsistence allowance and the arrears thereof and also to complete the pending disciplinary proceedings initiated against the petitioner within a period of Nine months from the date of receipt of a copy of the said order. The relevant portions of the said order reads as follows:

'3.Considering the above submissions of the learned counsel for the Respondents, the Petitioner is directed to give signed stamp receipt to the Officers of the second Respondent for the amount already received for within a period of 15 days from the date of receipt of copy of this order by appearing before the Officer of the second Respondent. The Petitioner shall also furnish his account details for the transferring of the arrears of subsistence allowance while giving the stamped receipt for payments already received. The Respondents are therefore directed to effect net payment of subsistence allowance directly to the Petitioners during the pendency of the Disciplinary proceedings.

4. Considering the fact that the Respondents has issued a charge memo dated 19.08.2019 to the Petitioner and the Petitioner has also given his reply/explanation on 28.08.2019, the Respondents are also directed to pass final orders and to complete the disciplinary proceedings preferably within a period of nine months from the date of receipt of copy of this order. The petitioner is directed to cooperate with the Respondents in the aforesaid disciplinary proceedings.'

Therefore, there is no merit in the present writ petition.

3. The learned counsel for the respondents also submitted that the petitioner has been issued with other Charge Memo, dated 02.12.2020 and that a F.I.R. has also been registered against the petitioner on 10.12.2012 and 16.10.2019 and that criminal proceedings are in progress.



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4. Considering the same, I find no merits in the present writ petition in view of the order dated 24.09.2021 passed by this Court in W.P.No.20528 of 2021. The petitioner is directed to cooperate with the respondents in the pending disciplinary proceedings.

5. With the above observation, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Fit Officer / Thakkar,
Arulmigu Arunachaleswarar Mattrum
Varadaraja Perumal Temple,
Chennai-79.

2. The Executive Officer,
Arulmigu Arunachaleswarar Mattrum
Varadaraja Perumal Temple,
Chennai-79.

3. The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department,
Division-I, Padi, Chennai-50.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.57022
+1cc to the Government Pleader, S.R.No.57434

W.P.No.23659 of 2021
and

W.M.P.No.24908 of 2021

KG(CO)
SB(29/11/2021)