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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.29577 of 2018

R.Sudarshan

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Tourism, Culture & Religious Endowment Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 600 034. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to drop Disciplinary Proceedings initiated by the second respondent in his proceedings in R.C.No.28988/2013/B1 dated 05.12.2013 against the petitioner.

For Petitioner : Mr.D.Simon

For Respondents : Mr.M.Karthikeyan
Special Government Pleader (HR&CE)

ORDER

This writ petition has been filed seeking a direction to the first respondent to drop the disciplinary action taken by the second respondent by proceedings in R.C.No.28988/2013/B1 dated 05.12.2013 against the petitioner. It is alleged in the impugned charge memo that while the petitioner was working as Joint Commissioner, Madurai, he accorded sanction to one M.Devasena for construction of shops in the premises bearing No.64, Mela Avani Moola Veedhi, belonging to Arulmighu Koodalalagar Temple, which is in violation of the conditions imposed in the order passed in R.C.No.10071/2009/M1 dated



05.08.2009, while leasing out the property for residential purpose; and that, the petitioner directed the Executive Officer of the temple to issue no objection certificate to obtain electricity connection and fix fair rent for the building.

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2.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that similarly placed persons like that of the petitioner herein, have been exonerated from the charges framed against them, vide G.O.(Pa) No.11, Tourism, Culture and Religious Endowments (Aa.Ni.2-2) Department, dated 30.01.2020 in respect of P.Vilvamurthi, G.O. (Pa)No.12 Tourism, Culture and Religious Endowments (Aa.Ni.2-2) Department, dated 30.01.2020 in the case of S.Ramachandran and G.O.(pa)No.13 Tourism, Culture and Religious Endowments (Aa.Ni.2-2) Department, dated 30.01.2020 in the case of V.Veerarajan. Hence, the learned counsel sought to extend the same benefit to this petitioner as well. In support of the said submission, the copies of the said G.Os, have been produced in the form of typed set, before this Court.

3.On the other hand, the learned Special Government Pleader (HR&CE) appearing for the respondents fairly submitted that the respondent authorities would consider the claim of the petitioner, in the light of the aforesaid G.Os passed in the case of similarly placed persons, within a time frame to be stipulated by this Court.

4.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the first respondent to consider the claim of the petitioner relating to drop the disciplinary proceedings, and pass appropriate orders, on merits and in accordance with law and also in the light of the G.Os (cited supra) passed in respect of the similarly placed persons. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of the Order.

5.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vrc



To

1. The Additional Chief Secretary to Government,
Tourism, Culture & Religious Endowment Department,
Government of Tamilnadu,
Fort St. George, Chennai - 600 009.

2. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.

+1cc to Mr.D.Simon, Advocate, S.R.No.21633

W.P.No.29577 of 2018

SPD (CO)
CT (27/07/2021)