



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.M.SUNDRESH

W.A. (MD) No.115 of 2021

and

C.M.P (MD) .Nos.237 to 239 of 2021

P.Krishnan

.. Appellant/Writ Petitioner

Vs

1. The Commissioner,
Hindu Religious & Charitable
Endowment (HR & CE),
(Administration) Department,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner,
Department of Hindu Religious & Charitable
Endowment, Tirunelveli District.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Vadiveeswaram, Nagercoil,
Kanyakumari District.
4. The Executive Officer,
A/m.Isakki Amman Thirukoil,
Muppanthal (East),
Nagercoil, Kanyakumari District. .. Respondents/Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 08.12.2020, passed in W.P.(MD) No.13904 of 2014.

Prayer in WP(MD). 13904/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Declaration by decalring the oral termination of the petitioner by the 4th respondent is illegal and null void and further directing the respondents herein in allow the petitioner to continue his poojari service in the 4th respondent temple as per the appointment order dated 1.7.2011.

For Appellants

: Mr.I.Pinay Gash



For respondents

: Mr.K.P.Narayanakumar,
Special Government Pleader
for R1 to R3
Mr.H.Arumugam,
for R4

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JUDGMENT

[Judgment of the Court was delivered by **M.M. SUNDRESH, J.**]

The Writ Petition has been preferred by the appellant, challenging the alleged oral termination order passed without conducting an enquiry. The learned Single Judge dismissed the writ petition *inter alia* holding that the initial appointment of the petitioner was without jurisdiction and contrary to law and the appellant being a temporary daily-wage employee, there was no legal right involved.

2. Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents 1 to 3, submitted that prior permission sought from the respondent No.1 has been rejected as early as on 03.06.2012.

3. The oral order of termination as alleged by the appellant is only a consequential action taken to give effect to the said order.

4. We do not find any merit in this appeal. In fact, nothing survives in this appeal for adjudication. In such view of the matter, there is no need to go into the reasoning given by the learned Single Judge in view of the final order passed by the respondent No.1 dated 03.06.2013.

5. While dismissing this writ appeal, liberty is given to the appellant to challenge the said order if so advised, in accordance with law. The respondent No.1 is directed to furnish one more copy of the order dated 03.06.2013 to the appellant within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



sj/pkn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner,
Hindu Religious & Charitable
Endowment (HR & CE),
(Administration) Department,
Nungambakkam, Chennai 600 034.
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Department of Hindu Religious & Charitable
Endowment,
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A/m.Isakki Amman Thirukoil,
Muppanthal (East),
Nagercoil, Kanyakumari District.

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-1324[F] dated 20/01/2021)

+1 CC to SGP (SR-1376[F] dated 20/01/2021)

W.A. (MD) No.115 of 2021
18.01.2021

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