



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8323 of 2021

and

W.M.P(MD)No.6298 of 2021

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P.Krishnan

... Petitioner

vs.

- 1.The Principal Secretary,
Tourism, Culture and Hindu Religious
Endowment Department (HR & CE),
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai - 09.
 - 2.The Commissioner,
Hindu Religious and Charitable Endowment (HR & CE)
(Administration) Department,
Nungambakkam,
Chennai - 600 034.
 - 3.The Joint Commissioner,
Department of Hindu Religious and Charitable Endowment,
Tirunelveli District.
 - 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Vadiveeswaram,
Nagercoil,
Kanyakumari District.
 - 5.The Executive Officer,
A/M.Isakki Amman Thirukovil,
Muppanthal (East),
Nagercoil,
Kanyakumari District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to continue his service in the post of Keezh Santhi (Assistant Poojari) on daily wage in the Temple, namely Isakki Amman Thirukovil, Muppanthal (East), Nagercoil, Kanyakumari District till the disposal of the Revision Petition in R.C.No.1409/RC.4/2021, dated 08.02.2021 preferred by the petitioner pending before the first respondent.



For Petitioner : Mr.I.Pinaygash
For RR 1 to 4 : Mr.C.Ramesh
Special Government Pleader
For R - 5 : Mr.K.K.Udayakumar
for Mr.H.Arumugam

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ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the respondents to permit the petitioner to continue his service in the post of Keezh Santhi (Assistant Poojari) on daily wage in the Temple, namely Isakki Amman Thirukovil, Muppanthal (East), Nagercoil, Kanyakumari District, till the disposal of the Revision Petition in R.C.No.1409/RC.4/2021, dated 08.02.2021, preferred by the petitioner, pending before the first respondent.

2.Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4 and Mr.K.K.Udayakumar, learned counsel, representing Mr.H.Arumugam, accepts notice on behalf of the fifth respondent.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, he was appointed as 'Keezh Santhi' (Assistant Poojari) in the year 2011, in the fourth respondent Temple, on daily wage of Rs.100/-. In the meantime, the fifth respondent orally terminated the petitioner in the year 2013. Hence, the petitioner filed a Writ Petition in W.P(MD)No.13904 of 2014, to declare the oral termination of the petitioner by the fourth respondent therein as null and void and this Court in M.P(MD) No.1 of 2014 in W.P(MD)No.13904 of 2014, by order 10.09.2014, granted an order of interim direction to the respondents 3 and 4 to permit the petitioner to work as 'Keezh Santhi' (Assistant Poojari). In view of the said interim direction granted by this Court, the petitioner continued as 'Keezh Santhi' (Assistant Poojari). Subsequently, the said Writ Petition was dismissed, by order dated 08.12.2020. Aggrieved over the same, the petitioner preferred a Writ Appeal in W.A(MD)No.115 of 2021 before the Division Bench of this Court and the Division Bench of this Court, by order dated 18.01.2021, dismissed the Writ Appeal, granting liberty to the petitioner to challenge the said order and the relevant portion of the said order reads as follows:-

"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."

5. According to the petitioner, he has filed revision petition against the order of termination before the first respondent. The petitioner has come out with the present Writ Petition for a direction to the respondents to permit the petitioner to continue his service in the post of 'Keezh Santhi' (Assistant Poojari) on daily wage in the Temple, namely Isakki Amman Thirukovil, Muppanthal (East), Nagercoil, Kanyakumari District till the disposal of the Revision Petition in R.C.No.1409/RC.4/2021, dated 08.02.2021, pending before the first respondent.

6. Both the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent submitted that the petitioner has already been relieved and he is no longer continuing as 'Keezh Santhi' (Assistant Poojari).

7. In view of the same, the petitioner is not entitled to the relief sought in the present Writ Petition. However, considering the fact that the revision petition filed by the petitioner is pending before the first respondent, the first respondent is directed to dispose of the revision petition in R.C.No.1409/RC.4/2021, dated 08.02.2021 and pass orders on merits and in accordance with law, within a period of 10 weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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.



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Kanyakumari District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-17422[F] dated 26/04/2021)
+1 CC to M/s.I.PINAYGASH, Advocate (SR-17696[F] dated 27/04/2021)
+1 CC to M/s.SPL GP (SR-17745[F] dated 27/04/2021)

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