



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.5354 of 2018
(Through Video Conference)

WEB COPY

Kalaivanan

... Petitioner

Vs

1.The Joint Commissioner,
HR&CE Department, Tirunelveli.

2.The Inspector,
Arulmigu Gopalakrishna Swamy Temple,
HR &CE Department, Puliyangudi.

3.Executive Officer,
Arulmigu Gopalakrishna Swamy Temple,
Krishnapuram, Kadayanallur,
Tenkasi Taluk,
Tirunelveli District.

4.The Managing Trustee,
Arulmigu Gopalakrishna Swamy Temple,
Krishnapuram,
Kadayanallur,Tenkasi Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to resume his post of Clerk in Arulmigu Gopalakrishna Swamy Temple, Krishnapuram, Kadayanallur, Tirunelveli District, within a stipulated time fixed by this Court.

For Petitioner : Mr.N.GA.Natraj

For R-1 and R-2 : Mr.K.P.Narayanakumar,
Special Government Pleader

For R-3 : Mr.Arun Swaminathan

For R-4 : Mr.G.Arunachalam



O R D E R

Heard Mr.N.GA.Natraj, learned counsel for the petitioner, Mr.K.P.Narayanakumar, Special Government Pleader for the respondents 1 and 2, Mr.Arun Swaminathan, learned counsel for the third respondent and Mr.G.Arunachalam, learned counsel for the fourth respondent.

2.The petitioner herein who was serving as Clerk in the respondent Temple was placed under suspension on 29.03.2014 by the fourth respondent herein. As against the same, the petitioner had filed an appeal before the first respondent, in which an order of temporary stay was granted on 07.04.2014. Subsequently, on 19.05.2017, the first respondent herein had revoked the order of suspension passed by the fourth respondent. The present writ petition is seeking for mandamus directing the respondents to permit him to join service in the post of Clerk.

3.Today, when matter was called, it is brought to the notice of this Court that the petitioner was terminated on 09.02.2019 pending the present writ petition. As such, the prayer in the present writ petition itself has become infructuous.

4.At this juncture, the learned counsel for the petitioner submitted that the termination order dated 09.02.2019 has been challenged before the first respondent herein and the same is pending. It is needless to point out that in case, the petitioner succeeds before the first respondent, he would be entitled for all the service and monetary benefits that may accrue in his favour.

5.With the above observations, this Writ Petition stands closed as infructuous. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Joint Commissioner,
HR&CE Department,
Tirunelveli.

2.The Inspector,
Arulmigu Gopalakrishna Swamy Temple,
HR &CE Department,
Puliyangudi.

+1 CC to M/s.N.GANASAPAPATHY, Advocate (SR-1292[F] dated
20/01/2021)

+1 CC to M/s.GP (SR-1381[F] dated 20/01/2021)

Order made in
W.P. (MD)No.5354 of 2018
18.01.2021

ARK(CO)
TR(11.02.2021) 3P 5C