



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19935 of 2021

and

W.M.P(MD)No.16632 and 16633 of 2021

WEB COPY

R.Uma Maheshwari

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment,
HR & CE Office,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
HR & CE Office,
Tuticorin,
Tuticorin district.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
HR & CE Office,
Tenkasi,
Tenkasi District.

4.The Deputy Commissioner / Executive Officer,
Sankaranarayana Swamy Thirukovil,
Sankrankovil,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders, vide Na.Ka.No.320/2021/E5, dated 04.09.2021 and Na.Ka.No.1122/2021/A3, dated 20.09.2021 in which with respect to the portion of this petitioner issued by this 4th respondent as not valid and quash the same and direct the 4th respondent to promote the petitioner as Junior Assistant, in the 4th respondent temple, with entitled salary and perks within a time frame fixed by this Court.

For Petitioner	: Mr.F.X.Eugene
For Respondent	: Mr.S.Shaji Bino,
Nos.1 to 3	Special Government Pleader
For Respondent	: Mr.V.R.Shanmuganathan,
No.4	



ORDER

The writ petition is filed as against the order passed by the Executive Officer of Arulmighu Sanakranarayana Swamy Thirukovil, Sankarankoil, Tenkasi District, in and by which, the fourth respondent rejected the request of the petitioner, to promote her in the post of Junior Assistant.

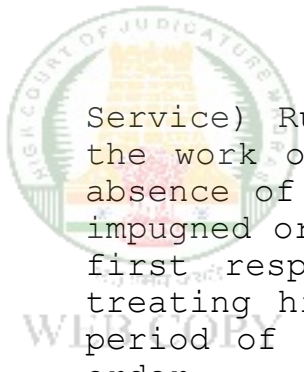
2.The learned Counsel for the petitioner submits that the petitioner is having SSLC qualification. She has been appointed as Thotti in the 4th respondent Temple on 06.06.2005 on consolidated pay and her services were regularised and she was brought under time scale of pay on 21.08.2007 and as such she has been working in the said temple. While so, vide Office Note dated 01.02.2017, the petitioner has been entrusted with the works of the Junior Assistant and accordingly, the petitioner has been looking after the works of the Junior Assistant. Therefore, the petitioner has made a request to the temple authorities to consider her for promotion to the post of Junior Assistant. However, her request was rejected by the 4th respondent that the post of the petitioner has now been designated as Sweeper and therefore, there is no provision for the petitioner to be promoted as Junior Assistant. Aggrieved over the same, the writ petition is filed challenging the impugned rejection order.

3.Mr.V.R.Shanmuganathan, learned Counsel appearing for the 4th respondent temple submits that the petitioner is working as Thotti. The method of appointment to the post of Junior Assistant is either by direct recruitment or by promotion from among the holders of the post of Record Clerk; Record Room Clerk; Duffador; Office Assistant; Last Grade Servant, as per the Tamil Nadu Hindu Religious Institutions Employees (Conditions of Service) Rules, 2020. Though this petitioner's qualification is SSLC, she is not entitled for promotion to the post of Junior Assistant and therefore, the request of the petitioner has been rejected.

4.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

5.Admittedly the petitioner is having qualification of SSLC and she has been appointed as Thotti in the 4th respondent temple. She has been serving for more than ten years. According to the learned Counsel for the petitioner, the petitioner is a last grade servant and therefore, even as per the said Rules, the petitioner is entitled for promotion. Further she has also been entrusted with the work of Junior Assistant.

6. It is seen that the post of Thotti is not defined in the Tamil Nadu Hindu Religious Institutions Employees (Conditions of



Service) Rules, 2020. Further the petitioner is also assigned with the work of Junior Assistant by passing office note order. In the absence of classification of the post Thotti in the said Rules, the impugned orders are set aside and the matter is remitted back to the first respondent to consider the case of the petitioner afresh treating him as a last grade servant and take a decision within a period of twelve weeks from the date of receipt of a copy of this order.

7. In the result, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

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 and Charitable Endowment,
HR & CE Office,
Nungambakkam,
Chennai.
2. The Joint Commissioner,
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HR & CE Office,
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3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
HR & CE Office,
Tenkasi,
Tenkasi District.



4.The Deputy Commissioner / Executive Officer,
Sankaranarayana Swamy Thirukovil,
Sankrankovil,
Tenkasi District.

+1 CC to M/s.F.X. EUGENE, Advocate (SR-35294[F] dated 22/11/2021)

+1 CC to M/s.SPL GP (SR-35321[F] dated 22/11/2021)

W.P (MD) No.19935 of 2021
19.11.2021

PK (CO)

GC (03.12.2021) 4P 7C