



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.1751 of 2014

WEB COPY

S.Selvaganapathy

...Petitioner

Vs.

1.The Commissioner,
HR&CE Department,
Nungambakkam,
Chennai.

2.The Deputy Commissioner/
Fit Person,
Arulmigu Sankaranarayanawami Temple,
Sankarankoil,
Tirunelveli District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order bearing Se.Mu.Na.Ka.No.960/2010/A3, dated 31.12.2012, issued by the second respondent and quash the same insofar as it withholds the petitioner's retirement benefits and consequently direct the respondents to disburse the provident fund amount, gratuity and provisional pension arrears forthwith.

For Petitioner	:	Mr.T.Indrachithu
For Respondents	:	Mr.K.P.Narayanakumar
		Special Government Pleader
		for R.1
	:	Mr.M.P.Senthil, Standing Counsel
		for R.2

* * * * *

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order bearing Se.Mu.Na.Ka.No.960/2010/A3, dated 31.12.2012, issued by the second respondent and quash the same and consequently direct the respondents to disburse the provident fund amount, gratuity and provisional pension arrears forthwith.

2. The case of the petitioner is that the petitioner joined the temple service of the respondent temple in the year 1986.

<https://hcservices.ecourts.gov.in/hcservices/>



Earlier his brother viz., A.S.Sankaran was working as Sri Pandaram in the said temple and he was holding the said post for over 25 years and he was relieved from service on 31.10.2010 on his reaching the age of superannuation. Thereafter, a three member Committee was appointed to take inventory of the articles on 28.09.2010 and the said Committee could not complete its work. In these circumstances the petitioner posted as Sri Pandaram and he was asked to take over charge. Further, for some mismanagement, the petitioner was suspended from service and the subsistence allowance was not paid. Hence, he filed a writ petition in W.P.(MD)No.14800 of 2012 for getting his subsistence allowance and subsequently, he reached the age of superannuation. The second respondent, while relieving the petitioner from service, withheld his retirement benefits, vide impugned order dated 31.12.2012. Aggrieved by the same, the petitioner filed an appeal before the first respondent and however, the appeal has not yet been disposed of by the first respondent, till date.

3. Learned Counsel appearing for the petitioner would submit that the retirement benefits were withheld by the second respondent only on the ground that the inventory and other proceedings are not yet over and hence, this Court may issue a direction to the authorities to complete the enquiry within a reasonable time as fixed by this Court and further, if the enquiry report is drawn in favour of the petitioner, this Court may issue a direction to the authorities to settle the retirement benefits to the petitioner.

4. The learned Counsel appearing for the respondents has no serious objection for granting such relief as now sought for the petitioner.

5. Considering the prayer as now sought for by the learned Counsel appearing for the petitioner, the respondents are directed complete the enquiry, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order and thereafter, if the enquiry report is drawn in favour of the petitioner, the respondents are directed to disburse the entire retirement benefits to the petitioner, which are entitled to him, within a period of two weeks thereafter. The petitioner is also directed to co-operate for the enquiry.

6. With the above directions, the Writ Petition stands disposed of. No costs.

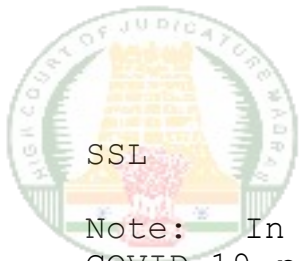
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
HR&CE Department,
Nungambakkam,
Chennai.
- 2.The Deputy Commissioner/
Fit Person,
Arulmigu Sankaranarayanawami Temple,
Sankarankoil,
Tirunelveli District.

+1 CC to SPL GP (SR-959[F] dated 18/01/2021)

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-771[F] dated 11/01/2021)

W.P(MD)No.1751 of 2014

08.01.2021

VB (03.02.2021) 3P 5C