



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.3606 of 2016

and

W.M.P. (MD)No.15077 of 2021

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V.Erangimuthu

... Petitioner

vs.

1.Joint Commissioner/ Executive
Officer,

A/M, Meenakshi Sundereswarar Thirukkoil,
Madurai - 625 001.

**(*)2. The Secretary, Tamilnadu Hindu Religious and Charitable
Endowment Department, Chennai.**

**3. The Commissioner, Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai 34.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the impugned order செ.மு.ந.ட.ந.க.எண் . 2155/2015/ஆ1, dated 18.12.2015, passed by the respondent as illegal and to direct the respondent to pay the full salary for the period 07.06.2015 to 23.12.2015, to the petitioner order her reinstatement.

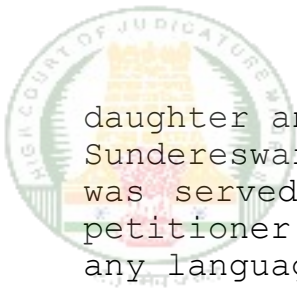
For Petitioner : Mr.P.Murughadasan

For Respondents : M/s.D.Farjana Ghousia
Special Government Pleader

O R D E R

This petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order செ.மு.ந.ட.ந.க.எண் . 2155/2015/ஆ1, dated 18.12.2015, passed by the respondent as illegal and to direct the respondent to pay the full salary for the period 07.06.2015 to 23.12.2015, to the petitioner order her reinstatement.

2.The petitioner is appointed as a Sevugar on 30.03.2013, on compassionate grounds. The petitioner's monthly salary is Rs.5,000/- and Rs.1,000/- was collected from the petitioner as caution deposit. The petitioner is a widow with a mentally challenged unmarried



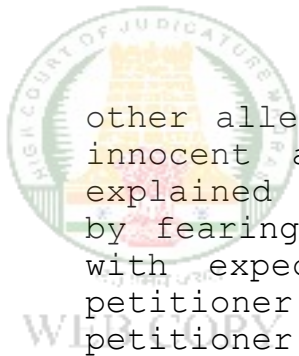
daughter and unemployed son. The petitioner was deputed to Meenakshi Sundereswarar temple from 07.06.2015 to 23.12.2015. The petitioner was served with a letter, dated 18.12.2015. The contention of the petitioner is that she is not well versed in reading or writing in any language and she was told to put her signature in the letter.

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3.Later, she came to know about the contents of the letter that the respondent had ordered her not to continue her work. It also came to the petitioner knowledge that she was charged with theft of stolen coins to the tune of Rs.170/-, when the Hundi was counted on 05.06.2015. The petitioner faced the enquiry on 24.08.2015 and the petitioner had admitted the charge of theft on 05.06.2015. The contention of the petitioner is that the said printed matter alleges that the petitioner had submitted a written explanation on 13.07.2015. The petitioner contended that no enquiry was conducted as alleged by the respondent and there was no necessity to give any explanation and the respondent had misused her signature. The petitioner also claims that the order, dated 18.12.2015, was not served to her. Thereafter, with the help of certain persons, she could write a letter, dated 04.01.2016, narrating the entire incident and denying all the allegations.

4.The respondent has filed a counter affidavit stating that the Writ Petition is not maintainable, since there is an alternative remedy under Section 56(2) of Tamil Nadu Act 22 of 1959. The respondent has denied the averments of the petitioner that the respondent has obtained the signature of the petitioner in blank papers. The respondents had stated in the counter affidavit that on 05.06.2015, the petitioner had stolen Rs.170/- during the Hundi counting. After her explanation, a proper enquiry was conducted by framing charges and the charges were proved in final enquiry. The petitioner had also admitted the charges. Thereafter, the entire enquiry was placed before the Thakkar, who is the competent authority to take disciplinary action. Thereafter, an order of dismissal was passed. The respondent denied the allegation that suddenly the papers were handed over to the petitioner on 18.12.2015 and denied other allegations. The respondent also stated that the order of dismissal was passed by the fit person as per Resolution No.2292, dated 05.11.2015 and therefore, the Writ Petition is devoid of merits.

5.The petitioner has filed a reply affidavit, denying certain allegations and she has claimed that she is very obedient and obeyed the instructions of the higher authorities. The temple authorities had utilized her innocence and the impugned order is incorrect in stating that the petitioner has not completed probation and during probation, she had committed the theft and therefore, she was issued with a dismissal order. According to the petitioner, she has completed probation on 04.04.2015 and the false allegation was on 05.06.2015. Therefore, the impugned order stating that during



other allegations are concerned, the petitioner claims that she is innocent and she cannot write even Tamil properly. She had explained about her family surroundings and she accepted the guilt by fearing that the respondent would dismiss her from service and with expectation that the respondent would forgive her. The petitioner denied that she had committed any such theft. Now, the petitioner is aged about 51 years.

6. Heard Mr.P.Murughadasan, learned Counsel appearing for the petitioner and M/s.D.Farjana Ghousia, learned Special Government Pleader, appearing for the respondent.

7. On perusing the facts of the case, this Court is of the view that the petitioner is illiterate person and on seeing her signature, which is affixed in the affidavit, it would be evident that she is not well versed in any language. The petitioner had narrated her family background, where she seems to be the bread winner of the entire family.

8. Taking all these into consideration, this Court is setting aside the impugned order. The respondent is directed to grant job to the petitioner as a new entrant. The petitioner is not entitled to any continuity of service or backwages. The petitioner shall submit an affidavit before the authorities that she will not indulge in such activities in future.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

Tmg

(*) to be substituted the order already despatched on 19/01/2022

1. Joint Commissioner/ Executive
Officer,

A/M, Meenakshi Sundereswarar Thirukkoil,
Madurai - 625 001.

**(*) 2. The Secretary, Tamilnadu Hindu Religious and Charitable
Endowment Department, Chennai.**

**3. The Commissioner, Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai 34.**



+1 CC to M/s.SPL GP (SR-39521[F] dated 20/12/2021)

+2 CC to M/s.P.MURUGHADASAN, Advocate (SR-39765[F] dated 21/12/2021)

+1 CC to M/s.S.MANO HAR, Advocate (SR-39464[F] dated 20/12/2021)

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RK(12/01/2021) 4P 6C
KB(22/03/2021) 4P 8C