



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.6029 of 2016

D.Selvaraj

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukoil,
North Car Street,
Adivaram,
Palani,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to provide the petitioner terminal benefits and other benefits like Provident Fund Employees, Provident Fund, Gratuity, leave salary, social welfare fund etc., to the petitioner within the time stipulated by this Court.

For Petitioner	: Mr.S.Karthik
For R1	: Mr.K.P.Narayanakumar Special Government Pleader
For R2	: Mr.VR.Shanmuganathan Standing Counsel

O R D E R

This writ petition has been filed by the petitioner to direct the second respondent to provide the petitioner's terminal benefits and other benefits like Provident Fund Employees, Provident Fund, Gratuity, leave salary, social welfare fund etc., to the petitioner.

2.The case of the petitioner is that the petitioner was appointed as Office Assistant on 19.08.1981 and thereafter, he was promoted as Record Clerk in the year 1990. While the petitioner was in service, the second respondent has issued suspension cum charge memo on 14.08.2015 on the ground that shortage of 1253 hair bundle in the Store Room and the charges were framed under Section 56(1) of Hindu Religious and Charitable Endowment Act 1959. Thereafter, the petitioner has given his reply to the second respondent. In the mean time, the second respondent gave police complaint against the petitioner and other persons. In such circumstances, the petitioner has reached the age of superannuation on 31.12.2015 and allowed him



to retire from service. After the retirement, the petitioner was not able to get any terminal benefits. In this regard, the petitioner has made several representations to the respondents. So far the respondents have not disbursed the terminal benefits to the petitioner. Hence, the present writ petition is filed.

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3.The learned counsel appearing for the petitioner submitted that due to the pendency of the disciplinary proceedings, the respondents have not disbursed the terminal benefits to the petitioner. Hence, this Court may issue a direction to the respondents to conclude the disciplinary proceedings initiated against the petitioner within the reasonable time as fixed by this Court.

4.The learned Standing Counsel appearing for the second respondent submitted that the petitioner's request will be considered within the time frame as fixed by this Court.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to conclude the disciplinary proceedings initiated against the petitioner within a period of six months from the date of receipt of a copy of this order and thereafter, pass appropriate orders with regard to the disbursement of the terminal benefits.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Road, Nungambakkam, Chennai-34.

2.The Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukoil,
North Car Street,
Adivaram,Palani, Dindigul District.

+1 CC to M/s.S.KARTHIK, Advocate (SR-6816[F] dated 24/02/2021)

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22.02.2021

PK(CO)

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