



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3538 of 2022

and

W.M.P.No.3674 of 2022

Jeevanandam

... Petitioner

vs.

1.The Commissioner

Hindu Religious & Charitable

Endowments Department

Nungambakkam, Chennai-34

2.The Joint Commissioner/Enquiry Officer

Arulmigu Kabaleeswar Thirukoil

Mylapore, Chennai-4.

3.The Additional Chief Secretary

to Government

Hindu Religious & Charitable

Endowments Department

Fort St. George, Chennai-9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the 3rd respondent in connection with the impugned order passed by him in GO(D) No.76 Tourism, Culture & Religious Endowment (HR.2(2) Dept dated 09.04.2021 and quash the same.

For Petitioner : Mr.K.Venkataramani

Senior Counsel

for Mr.M.Muthappan

For Respondents: Mr.S.Yashwanth

Additional Government Pleader

(HR & CE)

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorari, calling for the records of the 3rd respondent in connection with the impugned order passed by him in GO(D) No.76 Tourism, Culture & Religious Endowment (HR.2(2) Dept dated 09.04.2021 and quash the same.

2. The case of the writ petitioner is that presently, the petitioner is working as Assistant Commissioner/Executive



Officer, Venkatachalapathy Temple, Uppiliyappan Koil, Kumbakonam Taluk, Thanjavur District. During the year 2009, the petitioner was working as Assistant Commissioner/Executive Officer, Grade-I, at A/m Patteeswaraswamy Thirukkoil, Perur, Coimbatore. At that time, some allegations have been made against the petitioner that he leased out the temple land to third party without obtaining permission from the head of department and also created fake rental receipts. In this regard, charges have been framed against the petitioner and finally, the 3rd respondent, by an impugned order dated 09.04.2021, imposed a punishment of stoppage of increment for a period of 2 years without cumulative effect. The entire charge memo is baseless and the findings rendered by the 3rd respondent is liable to be quashed. Challenging the aforesaid impugned order, the present writ petition has been filed by the petitioner.

3. The learned Senior Counsel appearing for the petitioner informed this Court that the writ petitioner has submitted the review application to the Government on 01.07.2021, challenging the punishment order dated 09.04.2021. According to the petitioner, due to inadvertence, the fact has not been disclosed in the affidavit filed by the petitioner. Thus, the petitioner has filed the present additional affidavit before this Court disclosing the said fact. In view of the above, the petitioner seeks appropriate direction to the 3rd respondent to pass suitable orders as early as possible.

4. The learned Additional Government Pleader appearing for the respondents would submit that the review application will be considered by the 3rd respondent in accordance with law.

5. Considering the submissions made by both parties and also considering the limited scope of the prayer as sought for by the petitioner, this Court is inclined to direct the 3rd respondent to consider the petitioner's review application dated 01.07.2021 and pass appropriate orders in accordance with law, as expeditiously as possible, more preferably, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



To

1.The Commissioner
Hindu Religious & Charitable
Endowments Department
Nungambakkam, Chennai-34

2.The Joint Commissioner/Enquiry Officer
Arulmigu Kabaleeswar Thirukoil
Mylapore, Chennai-4.

3.The Additional Chief Secretary
to Government
Hindu Religious & Charitable
Endowments Department
Fort St. George, Chennai-9.

+1 cc to Mr.M.Muthappan, Advocate Sr.NO. 13003

+1 cc to Government Pleader Sr.NO. 13546

W.P.No.3538 of 2022

and

W.M.P Nos.3674 of 2022

kk(CO)

A.SK(17/03/2022)