



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.16157 OF 2020

S.Murugesan, S/o Late Semmalai

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Dr.Balasundaram Road,
Coimbatore.

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Arulmigu Subramaniya Swamy Temple,
Sivanmalai, Kangayam Taluk,
Tiruppur District.

... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to dispose the Statuary Appeal filed by the petitioner on 17.12.2018, within a stipulated time, as fixed by this court.

For Petitioner : Mr.C.Prakasam

For respondents : Mr.K.Karthikeyan,
Govt.Advocate,
HR & CE

ORDER

This writ petition has been filed seeking to issue a to issue a Mandamus, directing the first respondent to dispose the Statuary Appeal filed by the petitioner on 17.12.2018, within a stipulated time, as fixed by this court.



2. The case of the petitioner in brief:

The petitioner was appointed as Ticket Clerk under the respondent temple on 07.04.1994 and he was suspended from service on 16.11.2009. After filing writ petition in W.P.25960 of 2013 by the petitioner and on direction by this court, disciplinary proceedings was concluded and thereafter, the second respondent passed order on 13.08.2018 by terminating the petitioner from service. The petitioner filed Appeal before the first respondent and the same is pending from 17.12.2018, without any progress. The petitioner is having fair chances to succeed the appeal and he may get backwages from the temple. But the appeal is pending for the last 11 years. Hence this writ petition.

3. The learned Government Advocate appearing for the respondents fairly accepted that the Statutory Appeal filed by the petitioner is still pending before the first respondent. He further submitted that the appeal would be disposed by the authorities concerned, within a time, as fixed by this court.

4. Considering the facts and circumstances of the case and also taking into account the fact that the Statutory Appeal filed by the petitioner is still pending before the first respondent for more than 11 years, without expressing any opinion on merits, this court is inclined to pass the following order.

i) The first respondent is directed to dispose the Statutory Appeal filed by the on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of the copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Dr.Balasundaram Road,
Coimbatore.



2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Arulmigu Subramaniya Swamy Temple,
Sivanmalai, Kangayam Taluk,
Tiruppur District.

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+1cc to Mr.C.Prakasam, Advocate, S.R.No.17402

+1cc to the Special Government Pleader(HR & CE), High Court,
Madras, S.R.No.17530

W.P.No.16157 of 2020

CA(CO)
RLP(31/03/2022)