



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.12837 of 2014
and M.P.Nos.1, 2 & 3 of 2014

T.M.Murali ... Petitioner

Vs.

1.The Joint Commissioner,
(Inquiry Officer),
Hindu Religious and Charitable
Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600034.

2.The Executive Officer,
A/M Angalaparameswari and
A/M Kasiviswanathaswamy,
Thirukoil, Choolai,
Chennai - 600112.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned Notice dated 21.04.2014 displayed in the Temple's Notice Board and quash the same and consequently direct the respondents to reinstate the petitioner in the post of Compute Operator cum Typist along with all attended benefits from 22.04.2014 onwards.

For Petitioner : Mr.R.Mahalingam

For Respondents : Mr.K.Karthikeyan [for R1]
Government Advocate (HR&CE)
Mr.Wilson [for R2]
for M/s.A.S.Kailasam & Associates

ORDER

Based on a resolution passed by the fit person of the second respondent/Temple dated 23.11.2011, the petitioner



herein, was appointed as a Computer Operator cum Typist to the Temple with effect from 04.05.2012. The appointment was based on the recommendation of the Joint Commissioner of the Hindu Religious and Charitable Endowments Department, Chennai, dated 25.04.2012.

2. It is the case of the petitioner that while he was serving as a Computer Operator cum Typist in the second respondent/Temple, he was terminated from service on 21.04.2014 through a Notice Board of the Temple. According to the learned counsel for the petitioner, no prior notice was issued before the termination.

3. It is not in dispute that the petitioner herein, was appointed on 04.05.2012 as a Computer Operator cum Typist in the second respondent/Temple and that prior to his termination, no notice was issued to him. When the petitioner herein was regularly employed in the second respondent/Temple and had been continuing in the said post, there was a duty cast on the second respondent to issue a prior notice before terminating him from the services. On the other hand, the second respondent had incereemoniously displayed the act of termination in the Public Notice Board of the Temple, without issuing any prior notice. Such an act is apparently in violation of the principles of natural justice and on this sole ground, the order of termination itself cannot be sustained.

4. In the light of the above findings, the impugned order displayed in the Temple's Notice Board on 21.04.2014, is quashed. Consequently, there shall be a direction to the second respondent to forthwith reinstate the petitioner back into service as a Computer Operator cum Typist. However, the petitioner would not be entitled for the arrears of salaries during the period of his non-employment. The second respondent shall pass such order of reinstatement, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition stands allowed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Sni



To

1.The Joint Commissioner,
(Inquiry Officer),
Hindu Religious and Charitable
Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600034.

2.The Executive Officer,
A/M Angalaparameswari and
A/M Kasiviswanathaswamy,
Thirukoil, Choolai,
Chennai - 600112.

+1cc to Mr.R.Mahalingam, Advocate SR.No.28840
+1cc to Mr.A.S.Kailasam & Associates, Advocate SR.No.29712
+1cc to the Government Pleader SR.No.29787

W.P.No.12837 of 2014

SS(CO)
GN(01/06/2022)