



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.2070 of 2015

and

M.P. (MD)No.1 of 2015

P.S.Senthil Kumar

... Petitioner

vs

1. Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Suchindrum,
Kanyakumari District.

2. The Commissioner,
Hindu Religious & Charitable
Endowment Department,
Nungabakkam, Chennai - 34.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 15.02.2013 passed in Na.Ka.No.6428/2009/E2 passed by the first respondent and quash the same as arbitrary and illegal and consequently, direct the first respondent to pay the amount already deducted from the petitioner.

For Petitioner : Mr.P.Baskaran

For Respondents : No appearance for R1
Mr.N.Ramesh Arumugam for R2
Government Advocate (Civil Side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 15.02.2013, passed by the first respondent and quash the same as arbitrary and illegal and consequently, direct the first respondent to pay the amount already deducted from the petitioner.



2. The petitioner had joined service on 15.06.1998 as a Temple Executive/Junior Assistant in Kanyakumari District. The petitioner was assigned the job of Sree Kariyam as Temple Administrator. The petitioner alleges that without issuing any notice and without conducting any enquiry based on the Audit slip, the petitioner was imposed the punishment of recovery to the tune of Rs.3,00,000/- (Rupees Three Lakh only). The petitioner submitted that the amount was recovered over a period of 60 months as Rs.5,000/- (Rupees Five Thousand only) per month. The petitioner is claiming refund of the amount and also prayed to quash the order passed by the first respondent. The enquiry in Hindu Religious and Charitable Endowments there is no strict rule, however, the principles of natural justice is applicable to the Hindu Religious and Charitable Endowments also. Therefore, this Court deems it fit, to remit back the case to the first respondent and conduct de novo enquiry by giving a notice and opportunity to the petitioner to explain the allegation and thereafter, pass an order.

3. Therefore, this Court is setting aside the impugned order and directing the first respondent to conduct de novo enquiry after issuing the notice and granting sufficient opportunity to the petitioner.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. Joint Commissioner/Executive Officer
Kanyakumari District Temples
Suchindrum,
Kanyakumari District.



2. The Commissioner,
Hindu Religious & Charitable
Endowment Department,
Nungabakkam, Chennai - 34.

+1 CC to M/s.P.BASKARAN, Advocate (SR-1215[F] dated 11/01/2022)

+1 CC to M/s.K.SATHYASINGH, Advocate (SR-1438[F] dated 12/01/2022)

+1 CC to M/s.SPL GP (SR-1264[F] dated 11/01/2022)

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RD(08.02.2022) 3P 6C