



W.P(MD)No.22618 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22618 of 2022

and

W.M.P.(MD)Nos.16787 & 16788 of 2022

S.Tamizhvelmurugan

... Petitioner

Vs.

1.The Commisisoner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai.

2.The Deputy Commissioner / Executive Officer,
Arulmighu Murugan Thirukovil,
Solaimalai Mandapam,
Azhagarkoil,
Madurai District.

3.The Assistant Commissioner / Executive Officer,
Arulmighu Mariamman Thirukoil,
Irakkankudi,
Sathur Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the first respondent herein in Se.Mu.Na.Ka.No.40737/2022/T3 dated 26.08.2022 and the consequential



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impugned proceedings of the second respondent in Se.Mu.Na.Ka. No. 171/2022/A1 dated 27.08.2022 and quash the same.

For Petitioner : Mr.J.Anandkumar
For R1 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader
For R2 : Mr.K.R.Laxman
For R3 : Mr.V.R.Shanmuganathan

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for R1 and Mr.K.R.Laxman, learned counsel appearing for R2 and Mr.V.R.Shanmuganathan, learned counsel appearing for R3.

2. The writ petitioner has been transferred from the second respondent temple to the third respondent temple by the order dated 26.08.2022 passed by the first respondent. The second respondent has issued the proceedings dated 27.08.2022 relieving the writ petitioner from his post as clerk. The petitioner has been directed to join the third respondent temple as suit clerk.



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3. The learned counsel appearing for the petitioner raised two contentions. According to him, the impugned order of transfer is not in consonance with Rule 17 of the Tamil Nadu Hindu Religious Institutions Employees (Conditions of Service) Rules, 2020. The learned counsel drew my attention to the recent amendment which states that transfer of employee can be made from one religious institution to any other religious institution having Executive Officer of the same grade.

4. It is contended by the petitioner's counsel that the second respondent temple is managed by an Executive Officer in the rank of Deputy Commissioner, whereas the third respondent temple has the Executive Officer in the grade of Assistant Commissioner. This according to him is a clear breach of the statutory rules. This contention lacks merit. The petitioner appears to have been swayed by consideration that the second respondent temple was originally a part of the group temple coming under the control of the Executive Officer of Alagarkovil temple. It is true that the executive officer of Alagarkovil temple is in the rank of the Deputy Commissioner. But last year, there has been a bifurcation and the second respondent temple has been classified independently as a senior grade temple whose executive officer will be in the grade of Assistant Commissioner. There is no dispute that the third



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respondent temple is having an executive officer in the grade of Assistant Commissioner. Therefore, the second respondent temple and the third respondent temple are having executive officers of the same grade. I therefore do not find any breach of Rule 17(4).

5. The other contention is that the third respondent had already issued a recruitment notification calling for applications from eligible candidates for filling up the post of a suit clerk. The petitioner has now been posted as suit clerk in the third respondent temple. The petitioner's counsel went to the extent of stating that he was not allowed to report for duty in the third respondent temple.

6. The learned counsel appearing for the third respondent clarified that till date, the petitioner has not reported for duty and that selection process that is presently going on for filling up the vacancies in the post of suit clerk has nothing to do with the post of the writ petitioner as suit clerk and the said submission is recorded. The petitioner is permitted to join duty in the third respondent temple on 30.09.2022. The third respondent is directed to permit the petitioner to join duty. It is made clear that by the impugned transfer order, the petitioner has been posted only as suit clerk in the third respondent temple.



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It is also clarified that neither his pay nor his rank or other any service condition will be affected in any manner.

7. Recording the said submission, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27.09.2022

Index : Yes / No
Internet : Yes/ No
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To

The Commisisoner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai.



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G.R.SWAMINATHAN, J.

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