



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM:

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THE HONOURABLE MR.JUSTICE PARESH UPADHYAY  
and  
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A (MD)No.2255 of 2021  
and  
W.M.P (MD)No.11371 of 2021

1.The Assistant Commissioner/Fit Person,  
Arulmigu Soundararaja Perumal Temple,  
Thadikombu, Dindigul District.

2.The Executive Officer,  
Arulmigu Soundararaja Perumal Temple,  
Thadikombu, Dindigul District.

.. Appellants /  
Respondents 2 & 3

Vs

1.A.Senthilkumar

.. 1<sup>st</sup> Respondent/  
Petitioner

2.The Joint Commissioner,  
Hindu Religious and  
Charitable Endowment Department,  
Madurai - 1.

3.The Commissioner,  
Hindu Religious and  
Charitable Endowment Department,  
Nungambakkam, Chennai- 600 034.

.. Respondents  
2 & 3 / Respondents 1 & 4

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent  
against the order dated 06.10.2021 made in W.P.(MD)No.14076 of 2015.

Prayer in WP(MD). 14076/ 2015 :

Writ Petition is filed under Article 226 of the  
Constitution of India, praying this Court To issue a Writ of  
Mandamus directing the respondents to permit the petitioner to  
continue his service as clerk in Arulmigu Soundarraja perumal  
Temple, Thadikompu, Dindigul District and pay his salary as per law.



For Appellant

: Mr.P.Athimoolpandian,  
for Mr.A.K.Baskarapandian

For Respondent No.1

: Mr.N.Dilipkumar  
for E.Murugan

For Respondents 2 and 3

: Mr.M.Siddharthan,  
Additional Government Pleader

**J U D G M E N T**

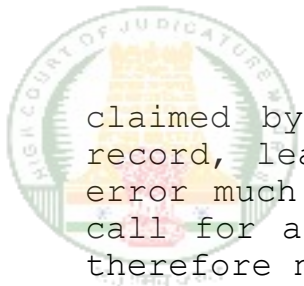
[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 06.10.2021 recorded on W.P(MD)No.14076 of 2015. This appeal is by the respondents 2 and 3 (management of the temple).

2. Learned advocate for the appellants has submitted that, though the regularisation of the petitioner was recommended by the third respondent (the present appellant), the Joint Commissioner did not approve the said regularisation and therefore the discontinuance of service of the petitioner can not be said to be any illegality and therefore no relief could have been granted. It is submitted that, this appeal be entertained.

3. On the other hand, learned advocate for the first respondent - writ petitioner has submitted that, the learned Single Judge has, on the basis of the counter filed by the respondent authorities granted relief *inter-alia* holding that the termination of service was in violation of principles of natural justice and the same was therefore illegal. It is submitted that no interference be made by this Court.

4. Having heard learned advocates for the respective parties and having considered the material on record this Court finds that, the third respondent had discontinued the service of the petitioner. The reasons for doing so, as submitted before this Court and as pressed into service before the Writ Court, are not only inconsistent but opposite to each other. Before learned Single Judge, no counter was filed by the third respondent. However, on behalf of the Joint Commissioner, it was stated (by way of counter) that since the recommendation for regularisation was withdrawn by the third respondent, the same is not approved. The reason for withdrawing the recommendation for regularisation of service of the petitioner was stated to be that the management of the temple found some misconduct on the part of the petitioner / workman. The discontinuance of service was simpliciter and that too oral. The said discontinuance was not termination of service for misconduct, at least the same was not informed to the workman. It is under these circumstances, learned Single Judge found, on the basis of the material on record that, the petitioner was entitled to relief as



claimed by him. We find that, on the basis of the material on record, learned Single Judge can not be said to have committed any error much less any error apparent on the face of record which may call for any interference in this intra-court appeal. This appeal therefore needs to be dismissed.

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5. For the above reasons, this appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Joint Commissioner,  
Hindu Religious and  
Charitable Endowment Department,  
Madurai - 1.

2. The Commissioner,  
Hindu Religious and  
Charitable Endowment Department,  
Nungambakkam, Chennai- 600 034.

+1 CC to M/s.SPL GP ( SR-13495[F] dated 22/03/2022 )

+1 CC to M/s.E.MURUGAN, Advocate ( SR-13750[F] dated 23/03/2022 )

+1 CC to M/s.A.K.BASKARA PANDIYAN, Advocate ( SR-13740[F] dated 23/03/2022 )

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