



W.P.No.17038 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.17038 of 2012
and M.P.Nos.1 and 2 of 2012

1. P.Ponnaiyan
2. S.Murugaiya
3. S.Srinivasan
4. R.Kanakaraj
5. R.Sivakumar

.. Petitioners

Versus

1. The Secretary, Hindu Religious &
Charitable Endowment Department
Fort St. George, Chennai - 9.
2. The Commissioner, Hindu Religious &
Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.
3. The Joint Commissioner / Executive
Officer, A/m. Dandayudhapaniswamy
Thirukoil, Palani, Dindigul Dist.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Declaration, declaring G.O.Ms.No.255 Tamil Development Religious Endowment Information (RE4-2), dated 28.06.2010



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as null and void and consequently, direct the third respondent to include the name of the petitioners in the panel for promotion in the year 2012-2013.

For Petitioners : No Appearance

For Respondents : Mr.C.Jayaprakash,
Government Advocate (HR & CE)
for RR-1 and 2
: Mr.Ramesh Venkatachalapathy,
for R3

ORDER

This Writ Petition is filed by totally five petitioners who are working as Assistants in the third respondent temple.

2. The prayer in the Writ Petition is to challenge G.O.Ms.No.255 Tamil Development Religious Endowment Information (RE4-2), dated 28.06.2010 and consequently, to direct the third respondent to include the names of the petitioners in panel for promotion in the year 2012-2013.

3. When the matter came up for hearing, it is now represented that already, the first petitioner namely, *P.Ponnaiyan*, has since passed away. As far as the challenge to the said Government Order is concerned, in similar petition in W.P.No.1890 of 2011, already, an order, dated



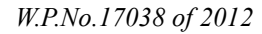
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05.07.2012 was passed, as against which, an appeal was filed in W.A.No.491 of 2013 which was disposed of with the following directions :-

" 6. In such view of the matter, we dispose of the writ appeal by clarifying the direction issued by the learned single Judge in para 32 of the order, holding that the Government may consider the claim of the officers and servants employed in non-senior grade temples for the purpose of appointment in senior grade temples by any one of the methods of recruitment, which was the direction given by the Division Bench in the judgment stated supra. The said exercise is directed to be completed by the Government within a period of four months from the date of receipt of a copy of this order. Till new Rules are framed as directed above, the appellants are permitted to make appointments only in case of emergency and if such appointment are to be made, the claim of the member of the first respondent Association shall also be considered. No costs."

4. The learned Government Advocate (HR & CE) appearing on behalf of the respondent Nos.1 and 2 also submits that pursuant thereto, new Rules were also framed in G.O.Ms.No.114, dated 03.09.2020. He would submit that even as per the judgment in Writ Appeal, among all the five petitioners, the third petitioner alone was eligible for promotion since he alone has cleared departmental tests and accordingly, he has been promoted. Now, all the petitioners have already been retired from service.



30.11.2023

To

1. The Secretary, Hindu Religious & Charitable Endowment Department
Fort St. George, Chennai - 9.
2. The Commissioner, Hindu Religious Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.
3. The Joint Commissioner / Executive Officer, A/m. Dandayudhapaniswamy
Thirukoil, Palani, Dindigul Dist.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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