



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1301 of 2023

P.Suresh Kumar

Petitioner

vs.

1.The Principal Secretary,
HR & CE Department,
Fort St George,
Chennai – 600 009

2.The Commissioner,
HR & CE Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
HR & CE Department,
Kottai, Salem – 636 001.

4.The Assistant Commissioner,
HR & CE Department,
Kottai, Salem – 636 001.

5.K.Tamilarasu,
The Assistant Commissioner-3/Enquiry Officer,
Office of the Commissioner,
HR & CE Department,
Chennai – 600 034.

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to dispose the statutory appeal preferred by the petitioner under Section 37 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1956 on merits within a time frame fixed by this Court.

For Petitioner : Ms.G.Thilagavathi
Senior Counsel for
Mr.R.Gopinath

For Respondents : Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to dispose of the Statutory Appeal that was preferred by the petitioner under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1956 within a time frame fixed by this Court.

2.The petitioner joined the services as Grade IV Executive Officer in the year 2004 and thereafter, he was promoted in the year 2017 as Grade II Executive Officer. A charge memo was issued on 27.02.2020 against the petitioner which contained 14 charges. An Enquiry Officer was appointed and enquiry was conducted and Enquiry Officer submitted the enquiry report on



24.06.2021. Based on the enquiry report, proceedings were conducted by the 2nd respondent and an order came to be passed on 13.10.2022, whereby, punishment of reduction to lower post by two levels for one year was imposed by the petitioner.

3. Aggrieved by the order passed by the 2nd respondent, the petitioner has filed a Statutory Appeal before the 1st respondent on 02.11.2022 under Section 114 of the HR & CE Act. That apart, even in the order passed by the 2nd respondent, the petitioner has been given an opportunity to file an appeal only before the 1st respondent. Since the appeal was not taken up for hearing, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Ms.G.Thilagavathi, learned Senior Counsel appearing on behalf of the petitioner and Mr.K.Karthikeyan, learned Government Advocate appearing on behalf of the respondents.

5. Taking into consideration the limited relief sought in the present writ petition and without going into the merits of the case, there shall be a direction to the 1st respondent to dispose of the Statutory Appeal filed by the petitioner



on 02.11.2022, after affording an opportunity to the petitioner, on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

6.The learned Senior Counsel appearing on behalf of the petitioner submitted that a stay application has also been filed along with the appeal and the same shall also be considered by the 1st respondent. It is left open to the 1st respondent to consider the stay application also, pending disposal of the appeal, in accordance with law.

7.With the above directions, this writ petition is disposed of. No Costs.

23.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

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Chennai – 600 009



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N. ANAND VENKATESH, J.

SSI

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