



W.P.(MD)No.3060 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3060 of 2023

W.M.P(MD).Nos.2862 and 2863 of 2023

A.Paramasivam

... Petitioner

Vs.

- 1.The Commissioner,
HR & CE Department,
No.119, Uthammar Gandhi Salai,
Nungambakkam,
Chennai-34.
- 2.The Joint Commissioner,
HR & CE Department,
Ellis Nagar,
Madurai.
- 3.The Assistant Commissioner,
HR & CE Department,
Ellis Nagar,
Madurai.
- 4.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukoil,
Madurai District.



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5.A.Arunraj

... Respondents

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Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in Se.mu.moo.mu.no.3884/2023/u3 dated 03.02.2023, quash as illegal and consequently, direct the respondents 1 to 4 to promote the petitioner as Maniyam and give all the consequential benefits thereof.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondent : Mr.R.Ragavendran

Government Advocate

for R1 to R4

Mr.R.Varadharajan for R5

ORDER

This writ petition has been filed to call for the records relating to the impugned order passed by the first respondent in Se.Mu.Moo.Mu.No. 3884/2023/u3 dated 03.02.2023, quash the same as illegal and consequently, direct the respondents 1 to 4 to promote the petitioner as Maniyam and give all the consequential benefits thereof.



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2. The case of the petitioner is that the petitioner was appointed as Watchman in Dhandayuthapanni Thirukovil, Madurai in the year 1991 and in the year 2016, he was appointed as Additional in-charge of Maniyam by the Executive Officer of the Temple. Till date, he is discharging his duty as Maniyam. Now, the permanent vacancy was arouse in the post of Maniyam and the panel was prepared for the post of Maniyam. The name of the petitioner was also included in the panel and he is the senior most person in the panel. While so, the first respondent has passed the impugned order dated 03.02.2023 appointing the fifth respondent as Maniyam in the said Temple by way of punitive transfer. In this regard, the petitioner has made a representation to the respondents on 02.02.2023. However, the same has not been considered. Challenging the order passed by the first respondent, the petitioner has filed the present writ petition.

3. The learned Government Advocate appearing for the respondents would submit that initially, the petitioner was appointed as Watchman in the said Temple and he was given promotion as Additional



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in-charge of Maniyam, dated 03.04.2016 by the Executive Officer of the Temple. The present impugned order is only the transfer order transferring the fifth respondent, who was working as Maniyam in Arulmigu Seshapureswarar Temple, Thirupampuram, Kudavasal, Thiruvarur District, to Dhandayuthapanni Thirukovil, Madurai and it is not the promotion order. The petitioner is not the aggrieved person and the Additional in-charge of Maniyam does not have any right to occupy the post of Maniyam. Hence, he prays for dismissal of the present writ petition.

4. Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

5. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Watchman in Dhandayuthapanni Thirukovil, Madurai, in the year 1991 and he was given promotion as Additional in-charge of Maniyam in the year 2016. The issue arising in the present writ



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petition is with regard to the appointment of the fifth respondent as Maniyam. In fact, the present impugned order is only the transfer order transferring the fifth respondent, who was working as Maniyam in Arulmigu Seshapureswarar Temple, Thirupampuram, Kudavasal, Thiruvarur District, to Dhandayuthapanni Thirukovil, Madurai, in the existing vacant post of Maniyam and it is not the promotion order. As rightly pointed out by the learned counsel appearing for the respondents, the Additional in-charge of Maniyam does not have any right to occupy the post of Maniyam and the petitioner is not the aggrieved person. Hence, the prayer sought for in the present writ petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

15.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

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To

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M.DHANDAPANI,J.

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