



W.P(MD)No.9524 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9524 of 2023

and

W.M.P(MD)No.8501 of 2023

- 1.Guhaneswaran
- 2.M.Rajeshkhanna
- 3.KS.Ranjithkumar
- 4.M.Maheskumar
- 5.M.Sanjeevkumar
- 6.N.Jeyabarathan
- 7.P.Krishnakumar
- 8.S.Pachaimuthu
- 9.K.Deelipan
- 10.S.Boomiraj

... Petitioners

Vs

- 1.The State represented by
The Secretary to Government,
Hindu Religious and Charitable Endowments Department,
Fort St George,
Chennai – 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai.



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3.Arulmighu Dhandayuthapani Swami Thirukoil,
Through its Board of trustees,
Palani, Dindigul District.

4.The Joint Commissioner /
Executive Officer,
Arulmigu Dhandayuthapani Swami Thirukoil,
Palani, Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus,directing the respondents to regularise the services of the petitioners and to make them permanent in the post of Office Assistant, in the third respondent temple, on completion of 5 years of their services from the date of their initial appointment.

For Petitioners : Mr.S.Parthasarathy
for Mr.R.Sidharthan

For Respondents : Mr.C.Baskaran
Government Advocate for R.1

Mr.K.Govindarajan for R.2 & R.3

ORDER

Heard the learned counsel on either side.

2. The petitioners are working as daily rated employees in the third respondent temple since 01.02.2018. The Government had been regularizing such employees from time to time. G.O(Ms)No.121 Tourism, Culture and Religious Endowments Department dated 18.10.2021 provided for regularization of such employees who had put in five years of service



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continuously as on 31.07.2019. Recently the Joint Commissioner has issued proceedings dated 02.02.2023 providing for regularization of daily wages employees who had put in five years of continuous service as on 31.07.2021. The petitioners herein do not fulfil the requirements set out in the proceedings dated 02.02.2023.

3. The petitioners will be completing five years of service as on 31.07.2023. Therefore, they also will be entitled to the benefit of regularization. But then there is a policy decision that will have to be taken by the temple management in the year 2025. While I cannot issue a positive direction straightaway now. I would observe that if the benefit of regularization is denied to the petitioners, that will amount to infraction of Article 14 of the Constitution of India. With this observation that the petitioners will have to wait for their turn in the year 2025, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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To

1. The Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai.
2. The Additional Director of Medical and
Rural Health Services,
O/o. Additional Director of Medical and
Rural Health Services,
Chennai – 6.
3. The District Collector,
Thirunelveli District,
Thirunelveli.
4. The Additional Treasury Officer,
Department of Treasury and Accounts,
District Treasury,
Thirunelveli,
Thirunelveli District.



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G.R.SWAMINATHAN, J.

MGA

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and

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