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W.P.(MD)NO.10947 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10947 of 2023 AND

W.M.P.(MD)No.9583 of 2023

S.Vignesh Pattar

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Tiruchendur,
Thoothukudi District.
2. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Tiruchendur,
Thoothukudi District.
3. The Executive Officer,
Hindu Religious & Charitable Endowments Department,
Arulmighu Ayairathan Vinayagar Thirukovil,
Arumugamangalam,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned communication signed by the 3rd respondent dated 17.04.2023 and his order dated 19.04.2023 and quash the



same and consequently direct the respondents to permit the petitioner as Archagar in the Arulmigu Ayairathan Vinayagar Thirukovil, Arumugamangalam, Eral Taluk, Thoothukudi District.

For Petitioner : Mr.R.Anand

For Respondents : Mr.C.Baskaran,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is employed as Archagar in the third respondent temple. He was implicated in a criminal case in W.L.O.R.No.6 of 2022 on the file of the Forest Range Officer, Thoothukudi Range. The allegation against the prime accused was that he was in possession of Cheetah skin. The petitioner was implicated as an accused. In confession that the petitioner only gave the same, he was also arrested.

3. The third respondent had issued notice dated 17.04.2023 calling upon the petitioner to appear for enquiry



on 24.04.2023. Thereupon the third respondent straightaway passed the impugned order terminating him from service on 19.04.2023. The order impugned in the writ petition is vulnerable on more than one ground. Dismissal order was passed straightaway without even complying with the elementary principle of natural justice. No charge memo was issued and no enquiry was conducted. The petitioner's forefathers have been serving the third respondent temple. The petitioner has been serving the temple for eight years. The petitioner was being paid a sum of Rs.3,000/- per month. Such a person could not have been summarily thrown out. The order impugned in this writ petition is set aside. In view of the interim order granted by this Court, the petitioner is serving in the temple. The interim order is made absolute. This writ petition stands allowed.

4. The learned counsel appearing for the petitioner brings to my notice that the criminal proceedings pending against the petitioner have been stayed by this Court. The only ground for passing the impugned order is the initiation of criminal proceedings. Since such proceedings have been



stayed, the question of the third respondent having taken action against the petitioner will not arise. No costs.

27.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

To:

1. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Tiruchendur,
Thoothukudi District.
2. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Tiruchendur,
Thoothukudi District.
3. The Executive Officer,
Hindu Religious & Charitable Endowments Department,
Arulmighu Ayairathan Vinayagar Thirukovil,
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G.R.SWAMINATHAN,J.

PMU

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