



W.P.(MD).No.16566 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16566 of 2023

T.Arulkumar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai-600 034.

2.The Joint Commissioner / Executive Officer,
Hindu Religious and Charitable Endowment Department,
Kanniyakumari District Temples,
Suchindram,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to direct the second respondent to appoint the petitioner in the post of the Junior Executive by considering the petitioner's representation, dated 24.04.2023.

For Petitioner	: Mr.S.Rajasekar for M/s.Lajapathi Roy and Associates
For R-1	: Mr.S.Kameswaran Government Advocate
For R-2	: Mr.K.Sathiya Singh Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the first respondent to direct the second respondent to appoint the petitioner in the post of the Junior Executive by considering the petitioner's representation, dated 24.04.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned Counsel for the petitioner, the learned Government Advocate for the first respondent and the learned Standing Counsel for the second respondent and carefully perused the materials available on record.

4. On 16.10.1996, the first respondent conducted a field inspection of the administration of Susindram affiliated and non-affiliated Temples (presently Kanyakumari District Temples) and heard the administrative difficulties in person and in his inspection note, the first respondent issued a notification to create senior and junior Temple administrative posts and make new appointments to improve the administration. It was notified in daily newspaper



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calling for 4 post of Senior Executive and 4 Junior Executive Post, and on 28.10.1996, the petitioner applied to the post of Junior Executive before the respondent Department. After scrutiny, the second respondent has passed the Resolution No.12 on 28.10.1996 recommending 8 persons along with the petitioner to be appointed in the post of Junior Executive post. The first respondent vide his proceedings, dated 01.02.1997, gave ascent to appoint 8 persons as recommended by the second respondent.

5. But contrarily to the reasons best known, the second respondent gave appointment only to 2 Senior Executives and other 6 including the petitioner were not given any appointment order. Hence, the petitioner approached the Tamil Nadu Administrative Tribunal filing an O.A.No.2858 of 1998 and the Tribunal by its order, dated 22.04.1998, directed the authorities to consider the claim of the petitioner and directed to pass orders within a period of four weeks. The same was kept pending without consideration and the post was also kept vacant for a long period and hence, the petitioner made a detailed representation on 21.05.2002 to consider his representation. However, the same was not considered and hence, the petitioner was constrained to file W.P.No.



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24411 of 2002 and the same was disposed on 09.07.2002 directing to consider the representation of the petitioner within a period of three weeks.

6. Thereafter, the first respondent rejected the representation for the reason that an interim order against the appointment of new employees in existing vacant post has been granted by this Court, in another case in W.P(MD)No.40727 of 2002, when the case came up for hearing on 09.12.2002, the same was dismissed for the reason that due to the bar on fresh appointment in the light of G.O(Ms)No.66, dated 05.03.1998, his representation could not be considered. The petitioner preferred a writ appeal in W.A.No.622 of 2003, which was withdrawn by him at the stage of admission itself. Thereafter, the second respondent issued fresh notification calling for appointment to the post of Senior and Junior Executive. Assailing the same, the petitioner again made a detailed representation to the second respondent, stating all the difficulties caused to him and requesting him to re-consider the earlier representation made by him in the year 1997 and also sought to appoint him in the said post. However, without considering the representation of the petitioner, one R.Sheeladass was appointed in the said post on 22.04.2008. Hence, once again the writ petitioner was constrained to file W.P(MD)No.8252 of 2008 and that



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was also dismissed on 02.12.2011, wherein a clear direction was given by this Court, directing the petitioner to avail the statutory remedy by filing an appeal within a period of 1 month before the Joint Commissioner or the Deputy Commissioner in terms of Section 55(4) of the Hindu Religious and Charitable Endowment Act. In view of the same, an appeal was preferred by the petitioner and the same is pending before the Joint Commissioner for adjudication.

7. Considering the limited prayer sought for, though the writ petitioner has filed this writ petition seeking to consider his representation, dated 24.04.2023, in view of the submissions made by the learned Government Advocate, the writ petitioner sought the intervention of this Court to modify his prayer seeking to dispose of his appeal within a period of eight (8) weeks from the date of receipt of a copy of this order. This Court is inclined to direct the first respondent to dispose of the appeal, if any pending before him as made by the petitioner. I make it clear that this Court has not made any comment about the merits of the appeal or the representation.



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8. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs.

10.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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L.VICTORIA GOWRI, J.

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