



W.P.(MD).No.16877 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.16877 of 2023
and
W.M.P.(MD).No.14123 of 2023**

M.Manoj Babu

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Chennai.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments,
Ramanathapuram.

3.The Executive Officer,
Arulmigu Vettudaiyar Kalamman Thirukoil,
Ariyakurichi,
Kalayarlovil Taluk,
Sivagangai 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 respondents no.2 and 3 to allow the petitioner to continue as Driver in the 2nd respondent office and pay salary.



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For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader.

ORDER

This writ petition has been for Mandamus, directing the respondents No. 2 and 3 to allow the petitioner to continue as Driver in the 2nd respondent office and pay salary.

2. Heard the learned counsel on either side. With their consent, the writ petition is taken up for final disposal at the admission stage itself.

3. The contention of the petitioner is that he was appointed as Driver on 20.10.2018, for which he is referring to a resolution passed by the Fit Person. Even though the petitioner's name is not found in the appointment order, the respondents have taken a policy decision to appoint a Driver and the petitioner was appointed in that place. The respondents are not denying the appointment of the petitioner, but stating that the petitioner has not reported to duty in time and also alleging several allegations.



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4. The respondents are at liberty to take action against the petitioner, if the petitioner is committing misconducts in the service. Even a temporary employee is entitled to show cause notice before denying employment. The learned Special Government Pleader for the respondents submitted that in the place of the petitioner, another person is appointed. This cannot be the ground to deny the employment to the petitioner.

5. Therefore, this Court is directing the respondents to allow the petitioner to continue as Driver. The respondents are at liberty to take disciplinary action against the petitioner as per law.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

17.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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