



W.P.(MD)No.17651 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17651 of 2023

R. Kasthurirajan

... Petitioner

vs.

1. The Commisioner,
HR & CE Department,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai – 600 034.
2. The Regional joint Commissioner,
HR & CE Department – Trichy Region,
Teppakullam Street,
Thiruvanaikaval, Trichy – 620 005.



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3. The Executive Officer,
Arulmigu Anjaneyar Temple,
Kallukuzhhi, Trichy – 620 020.

4. The Fit Person,
Arulmigu Anjaneyar Temple,
HR & CE Department Regional
Joint Commissioner Office,
Teppakullam Street,
Thiruvanaikaval, Trichy – 620 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 01.06.2023, to permit the petitioner to work as Murrai Mattru Archakar in Arulmigu Anjaneyar Temple, Kallukuzhhi, Trichy, on ticket share basis along with his cousin brother Mr.G.Varadharajan.

For Petitioner : Mr.A.Veerassamy
For Respondents : Mr.S.Kameswaran
Government Advocate



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ORDER

This writ petition is filed for Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 01.06.2023, to permit the petitioner to work as Murrai Mattru Archakar in Arulmigu Anjaneyar Temple, Kallukuzhhi, Trichy, on ticket share basis along with his cousin brother Mr.G.Varadharajan.

2. The 3rd respondent has given a notice to the petitioner, dated 23.10.2021, wherein an option is given to the petitioner either to take the consolidated pay or to take a share in the amount which is received through sale of tickets. On receipt of such notice immediately, the petitioner has submitted a reply dated 28.10.2021, by exercising his option that he is ready and willing to share the income that is received



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from sale of tickets. Subsequently, the 3rd respondent has passed an order, dated 01.03.2022, wherein it is stated that the petitioner has attained 60 years of age as on 31.03.2022. Therefore, the petitioner cannot continue in the service and he is allowed to retire.

3. If the petitioner is seeking consolidated pay from the respondents, then the respondents are right in imposing 60 years of age limit. But the petitioner is only seeking to continue his service based on the receipts of the temple which was given to the temple based on the selling of tickets. For such income, there cannot be any fixation of age. Therefore, the respondents are absolutely wrong in fixing the age limitation for such service.



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4. Therefore, the respondents are directed to allow the petitioner to continue in the service along with his cousin brother namely Varatharajan and the petitioner shall be paid based on the receipts of selling of the tickets. The said order shall be complied forthwith.

5. With the above said observations, the writ petition is allowed.

No costs.

Index : Yes / No

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Internet : Yes

NCC : Yes / No

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S.SRIMATHY, J

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