



WEB COPY



Writ Petition No.554 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.554 of 2023

Soma Sundaram
S/o.Swaminathan

... Petitioner

Vs.

1.The Commissioner,
The Hindu Religious Charitable
and Endowment Board,
Nungambakkam, Chennai - 600 037.

2.The Joint Commissioner,
The Hindu Religious Charitable
and Endowment Board,
Kumaran Thirumana Mandapam,
Nagapattinam.

3.The Assistant Commissioner,
The Hindu Religious Charitable
and Endowment Board,
Thiruvaarur.

4.The Executive Officer,
Arulmigu Puttradi Mariamman Thiru Kovil
Thakaraveli Ponnirai Post,
Thirutharaipoondi Vattam,
Thiruvaarur District - 610 203.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus directing the respondents to



Writ Petition No.554 of 2023

consider and dispose of the petitioner's representations dated 03.01.2022, 02.05.2022 and 27.06.2022 and thereby direct the respondents to issue retirement order and other benefits to the petitioner.

For Petitioner : Mr.R.Rangarajan

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader [HR&CE]
[R1 to R3]
Mr.R.Bharanidharan [R4]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to consider the representations made by the petitioner wherein the petitioner is seeking for issuance of a retirement order and settlement of his terminal benefits.

2. The case of the petitioner is that he was appointed as a clerk in the Hindu Religious and Charitable Endowment Department in the year 1998 in the fourth respondent temple. The petitioner had put in 24 years of service and he superannuated from service on 24.04.2021. The further case of the petitioner is that even after his retirement, the fourth respondent requested the petitioner to continue rendering his service in the same position and daily wages have been fixed. The grievance of the



petitioner is that he was not issued with the retirement order and he was not settled with the terminal benefits. The representation made by the petitioner in this regard did not evoke any response. It is under these circumstances, the present writ petition has been filed before this Court.

3. When the matter was taken up for hearing, Mr.R.Bharanidharan, learned counsel appearing on behalf of the fourth respondent, submitted that the relieving order dated 29.04.2021 was refused to be received and therefore, it was sent by post to the petitioner, which was received on 05.12.2022. Learned counsel further submitted that insofar as the terminal benefits are concerned, the petitioner can make an application before the second respondent and seek for the terminal benefits.

4. It is quite apparent from the proceedings dated 29.04.2021 that the petitioner has been permitted to retire and relieved from his services. Therefore, what remains is only the terminal benefits, which will have to be settled to the petitioner.



Writ Petition No.554 of 2023

5. In view of the above, there shall be a direction to the petitioner to submit an application before the second respondent seeking for the terminal benefits. Immediately on receipt of the same, the second respondent shall process the application and shall settle the terminal benefits to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of the application from the petitioner.

6. Learned counsel for petitioner submitted that the services of the petitioner was continued even after his superannuation and the fourth respondent had agreed to pay the daily wages. This Court is not inclined to go into this issue since it involves disputed facts. Therefore, this Court wants to confine this writ petition only insofar as granting the relief of payment of terminal benefits to the petitioner.

This writ petition is disposed of in the above terms. No costs.

06.08.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm



Writ Petition No.554 of 2023

To

1. The Commissioner,
The Hindu Religious Charitable
and Endowment Board,
Nungambakkam, Chennai - 600 037.
2. The Joint Commissioner,
The Hindu Religious Charitable
and Endowment Board,
Kumaran Thirumana Mandapam,
Nagapattinam.
3. The Assistant Commissioner,
The Hindu Religious Charitable
and Endowment Board,
Thiruvaarur.
4. The Executive Officer,
Arulmigu Puttradi Mariamman Thiru Kovil
Thakaraveli Ponnirai Post,
Thirutharaipoondi Vattam,
Thiruvaarur District - 610 203.



WEB COPY



Writ Petition No.554 of 2023

N.ANAND VENKATESH, J

gm

Writ Petition No.554 of 2023

06.08.2024