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W.P.No.4098 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4098 of 2024

and

W.M.P.Nos. 4410 & 4411 of 2024

Valarmathi

.....

Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Neelathatchi Amman Koil North Street,
Nagapattinam,
Nagapattinam District.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvarur,
Thiruvarur District.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to impugned order of transfer passed by the first respondent herein vide Sa.Mu.Mu.No.101756/2023/U3, dated 22.12.2023 and quash the same consequently direct the first respondent to



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pass an order directing the petitioner to continue as clerk in Arulmigu Mahasaraswathi Amman Temple, Kuthanoor, Poonthotam Post, Nannilam Taluk, Tiruvarur District.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.S.Ravichandran
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order of tranfer dated 22.12.2023, thereby transfer the petitioner from Arulmigu Mahasaraswathi Amman Temple, Kuthanoor, Poonthotam Post, Nannilam Taluk, Tiruvarur District, to Arulmighu Ananthavinayagar Temple, Bhamini, Mannarkudi, as Clerk.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the petitioner is that she has been working as a Clerk in the Temple for the past 15 years on daily wage basis. Her husband passed away due to COVID-19, leaving behind the petitioner and her minor son aged about 6 years. Therefore, the petitioner submitted a representation to regularise her service. The representation submitted by the petitioner was considered and her service was regularised and she



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Arulmigu Mahasaraswathi Amman Temple, Kuthanoor, Poonthotam Post, Nannilam Taluk, Tiruvarur District. While being so, one Vallikannan, the Manager of Shri Shashapurishvarar Temple, was given additional charge of the said temple. He was already involved in a murder case. Since the petitioner is a widow, he started giving sexual torture in the work place. When the petitioner refused to his sexual advancements, he threatened her and also created trouble to her employment. She lodged a complaint before all the higher officials in the HR & CE Department. However, no FIR has been registered as against the said Vallikannan. However, the petitioner was transferred to Arulmighu Ananthavinayagar Temple, Bhamini, Mannarkudi. Hence, the present writ petition.

4. The learned counsel appearing for the respondent submitted that already the petitioner has been relieved from the post of Clerk from Arulmigu Mahasaraswathi Amman Temple, Kuthanoor, Poonthotam Post, Nannilam Taluk, Tiruvarur District and on the same day one Karikalan was placed in the place of the petitioner. Therefore, the order of transfer has been effected. Subsequently, the petitioner submitted a representation and it is pending on the file of the respondents.



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5. Considering the facts and circumstances of the case, the first respondent is directed to consider the representation submitted by the petitioner and pass appropriate orders to retain the petitioner in the same place or nearby place, if any vacancy arises. Further, the respondents are directed to conduct enquiry on the representation submitted by the petitioner as against the said Vallikannan with regard to the sexual torture and complete the same within a period of four weeks from the date of receipt of a copy of this order. The Inspector of Police, Peralam, is directed to look into the complaint and proceed with in accordance with law.

6. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.
No costs.

21.02.2024

Index : Yes/No
Neutral citation : Yes/No
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To

1. The Commissioner,
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2. The Joint Commissioner,
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3. The Assistant Commissioner,
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Thiruvarur,
Thiruvarur District.

Copy to :

The Inspector of Police,
Peralam.

G.K.ILANTHIRAIYAN, J.

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