



W.P.No.7873 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.7873 of 2021
and W.M.P.No.8404 of 2021

S.Madhanagopal

... Petitioner

/vs/

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
109, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner (Chennai-1)
Hindu Religious and Charitable Endowment Department,
Padi,
Chennai.

3.The Fit Person,
Arulmighu Arunachaleswarar and Varadharajaperumal
Thirukoil,
24, Palliappan Theru,
Chennai -600 079.

4.The Executive Officer,
Arulmighu Arunachaleswarar and Varadharajaperumal
Thirukoil, 24, Palliappan Theru,
Chennai -600 079.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents herein to permit the petitioner to rejoin his service in Arulmighu Arunachaleswarar and Varadharajaperumal Thirukoil at No.24, Palliappan Theru, Chennai 600 079.

For Petitioner ... Mr.N.Velmurugan

For Respondents ... Mr.S.Ravichandran
Additional Govt. Pleader for R1 & R2

Mr.A.S.Kailasam & Associates for R4

No appearance for R3

ORDER

Heard Mr.N.Velmurugan, the learned counsel for the petitioner, Mr.S.Ravichandran, the learned Additional Government Pleader for R1 and R2 and Mr.A.S.Kailasam, the learned counsel for R4.

2. The petitioner has filed this writ petition seeking a writ of mandamus directing the respondents to permit the petitioner to rejoin his service in Arulmighu Arunachaleswarar and Varadharajaperumal Thirukoil at No.24, Palliappan Theru, Chennai 600 079.



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3. The petitioner is said to be the permanent staff of the fourth respondent temple and has stated that his salaries have not been paid from the month of January, 2020 and he was not permitted to join duty also.

4. Mr.N.Velmurugan, the learned counsel for the petitioner, submitted that the petitioner has not been given with any charge memo or kept under suspension but his salary from the month of January, 2020 is denied.

5. The petitioner has not filed his appointment order in order to show whether is a permanent employee as claimed by him. Unless the petitioner establishes that his services have been regularized and he has been observed as permanent employee, the petitioner cannot claim any relief as prayed by him.

6. Since the petitioner's services are stopped, he cannot expect salary



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for the period for which he was not engaged by the respondents. In fact on 10.08.2020 the petitioner has been given with reply stating that the he was requested to furnish the appointment order and the regularization order, etc. for considering his request. Without furnishing any basic details and without establishing that he is a permanent employee of the respondent temple, the petitioner cannot expect that his representations should be considered. In fact in one of the representation dated 08.02.2021, the petitioner has stated that he was even worked as a part time employee. When such is the case, the petitioner cannot presume himself without furnishing any details that he should be given with salary for the period during which his services were not utilized.

7. In the letter dated 08.02.2021, the petitioner has stated that he was unnecessarily asked to produce the details as to when he was engaged and made permanent. The petitioner does not even understand that his basic details are necessary for considering his request. Without any material particulars, the petitioner has filed this writ petition and hence it is liable to be dismissed.



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11.03.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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R.N.MANJULA ,J.

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To:

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