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W.P.No.1342 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.1342 of 2023
& WMP No.1394 of 2023

M.Kannadhasan
S/o.M.Mayakkannan(Late)
Now working as Assistant Commissioner/
Executive Officer
Arulmigu Thirukuttalalanathasamy Thirukovil
Courtallam, Tenkasi District.

.... Petitioner

-Vs-

1.State of Tamil Nadu
Rep.by its
Principal Secretary to Government
Tourism, Culture and Religious Endowments
(A Ni 2-2) Department
Secretariat, Fort St. George, Chennai 600 009.

2.The Commissioner
Hindu Religious and Charitable
Endowment Department
119, Uthamar Gandhi Road
Nungambakkam, Chennai.

3.The Joint Commissioner
Office of the Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Tiruppur District, Tiruppur.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records from the second respondent



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pertaining to his proceedings in Se.Mu.Na.Ka.No.4472/2020/B-1 dated 09.0.2020 and which is confirmed by the first respondent in his proceedings G.O.(P).No.206 dated 31.10.2022 and quash the same.

For Petitioner : Mr.K.S.Karthik Raja
For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 09.06.2020, which was confirmed by the 1st respondent through proceedings dated 31.10.2022.

2.The case of the petitioner is that he was appointed as an Assistant Commissioner, Personal Assistant to the Joint Commissioner, Executive Officer of Arulmigu Ramanathaswamy Temple. Thereafter, he was transferred to the Arulmigu Subramaniaswamy Thirukovil, Sivamalai, Tiruppur District. The 2nd respondent issued a charge memo to initiate proceedings under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The charges against the petitioner is that the petitioner had sent a demand notice to pay compensation and arrears of rent for utilizing the temple lands to the District Judge. That apart, the petitioner has also directly addressed the Principal District Judge, Hon'ble Chief Justice and other higher officials.



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3.The petitioner on receiving the charge memo gave an explanation on 05.03.2020. The explanation was more in the nature of apologizing for having sending such a letter to the higher authorities without properly appreciating the facts. The enquiry was conducted and the 2nd respondent through proceedings dated 09.06.2020 held that the charges are proved and imposed a punishment on stoppage of increment for two years without cumulative effect.

4.The petitioner filed an appeal before the 1st respondent and the 1st respondent confirmed the order passed by the 2nd respondent through proceedings dated 31.10.2022. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The 2nd respondent has filed a counter affidavit. The 2nd respondent has taken a stand that the petitioner had indulged in activities of gross misconduct by sending a demand notice to the Principle District Judge, asking for the payment of nearly Rs.451/- crores towards the market value of the property in which the Sub Court, Kangeyam was functioning on the ground that it belonged to the Temple. That apart, the petitioner had directly addressed letters to the higher authorities. The explanation given by the petitioner was not found satisfactory and the charges were proved. Thereafter, appropriate punishment was imposed against the petitioner. The same was also confirmed by the 1st respondent. In view of the same, the respondents have



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taken a stand that the punishment imposed against the petitioner is commensurate with the charges framed against him and the same does not require the interference of this Court. Accordingly, the respondents have sought for the dismissal of this writ petition.

6.Heard Mr.K.S.Karthik Raja, learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate (HR & CE) for respondents.

7.It is seen from records that the petitioner had sent a letter directly to the Principle District Judge, by demanding a huge amount of money towards arrears of rent from 14.07.2012 to 31.10.2019 running to Rs.450/- crores. This letter was issued by the petitioner without ascertaining the correct facts. The fact remains that the property in which the Sub Court, Kangeyam was functioning was already acquired and the Temple was not the owner of the property. The petitioner had also directly addressed letters to the higher authorities.

8.In the considered view of this Court, the petitioner has in fact indulged in misconduct and the demand notice and the letters addressed by the petitioner is uncalled for. Therefore, there is no ground to interfere with the findings on the charges held to be proved against the petitioner.



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9.The other issue is regarding the punishment. The petitioner has been imposed a punishment of postponement of increment for two years without cumulative effect. The petitioner was over enthusiastic in attempting to earn income for the Temple. Hence, it will suffice if the petitioner is severely warned not to indulge in any such activities in future. Hence, this Court is inclined to reduce the punishment of the petitioner to one of censure. Accordingly, the punishment imposed against the petitioner for stoppage of increment for two years without cumulative effect is modified into one of censure.

10.In the result, this writ petition is partly allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
NCS : Yes/No
KP



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N.ANAND VENKATESH, J.

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