



W.P.No.19795 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA
W.P.No.19795 of 2017

R.Kesavarajan
Executive Officer,
Arulmighu Bala Subramaniya Swamy Temple,
Tenampet,
Chennai-18

..Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary,
HR & CE Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowment,
No.3, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
No.3, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

4.The Executive Officer,
Arulmighu Dhandeeswarar Temple,
Velachery,
Chennai - 600 042.

Page No:1/8



W.P.No.19795 of 2017

5. The Fit Person/Board of Trustees
Arulmighu Dhandeeswarar Temple,
Velacherry, Chennai -600 042.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent culminating into the order dated 07.05.2012 made in G.O.Ms.No.(P)No.120 Tamil Culture Development Information and Religious Endowment (RE-21) Department confirming the order of punishment issued by the second respondent dated 12.09.2009 made in Na.Ka.No.85991/2005/L3 and quash same and consequently direct the first respondent to reconsider the appeal preferred by the petitioner on merits on the basis of the records.

For Petitioner : Mrs.G.Thilakavathi
Senior Counsel
for M/s.R.Gopinath

For Respondents : Mr.S.Ravichandran
Additional Government Pleader

ORDER

This Writ petition has been filed challenging the order dated 07.05.2012 passed by the first respondent in G.O.Ms.No.(P)No.120 Tamil Culture Development Information and Religious Endowment (RE-21) Department confirming the order of punishment issued by the second respondent dated 12.09.2009 made in Na.Ka.No.85991/2005/L3 and



W.P.No.19795 of 2017

consequently direct the first respondent to reconsider the appeal preferred by the petitioner on merits on the basis of the records.

2. The petitioner was issued charge Memo dated 20.12.2005 and the charges predominantly related to the construction effected by G.B.S.Manian, the lessee of the temple land. Pursuant to the charge memo, the petitioner submitted his explanation on 17.01.2006, placing on record the filing of the suit for recovery of the land in possession of the lessee, G.B.S.Manian. Thereafter, detailed enquiry was conducted and the second respondent passed a final order on 12.09.2009 imposing the punishment of stoppage of increment without cumulative effect for two years. On 18.12.2009, the petitioner preferred an appeal before the first respondent against the order of the punishment. The 1st respondent even without examining the merits of the charges, explanations and the records submitted passed the impugned order dated 07.05.2012 in G.O.Ms.No.120, Tamil Development, Religious Endowment and Information (AN2-1) Department confirming the order of punishment.

3. The learned Senior Counsel for the petitioner submitted that the respondent did not appreciate the sincere efforts taken by the petitioner to



W.P.No.19795 of 2017

recover the temple land from the possession of the lessee G.B.S.Manian.

The learned Senior Counsel submitted that at the instance of the petitioner the suit in O.S.No.7061 of 2006 was filed for the recovery of possession and for damages of a sum of Rs.7,160/- per month towards the use and occupation of the suit temple property and the trial Court on contest decreed the suit as prayed for by Judgment and Decree dated 10.12.2009.

4. The learned Senior Counsel further submitted that the respondent failed to give credence to the petitioner for the sincere efforts taken by him in recovering the temple land and had the same been considered either the petitioner would have been exonerated or lesser punishment would have been imposed. The learned Senior Counsel further submitted that the petitioner suffered major set back in his career as his juniors marched over him on account of the punishment of the stoppage of the increment imposed by the impugned order. The learned counsel therefore prayed that the petitioner may be given an opportunity to make a representation to the respondent to reconsider the punishment imposed on him in the light of the Judgment and Decree passed in O.S.No.7061 of 2006 dated 10.12.2009.



W.P.No.19795 of 2017

5. The learned Additional Government Pleader appearing for the respondents submitted that the impugned order was unassailable. He further submitted that the punishment imposed was proportionment to the charges levelled against the petitioner. Therefore, the counsel submitted that there was no merit in the writ petition and the same deserved to be dismissed.

6. I have given my anxious consideration to the submission of the learned senior counsel for the petitioner and the learned Additional Government Pleader for the respondents.

7. Considering the facts and circumstances of the case, I am of the view that the petitioner should be given an opportunity to make a representation to the respondent to reconsider the punishment imposed on him, in the light of the fact that the land of the temple was recovered along with damages at his instance.

8. Accordingly, the petitioner is directed to submit his representation to the first respondent within a period of two(2) weeks from the date of receipt



W.P.No.19795 of 2017

of a copy of this order. On receipt of such representation, the first respondent shall give an opportunity of personal hearing to the petitioner and pass orders on merits and in accordance with law within a period of four(4) weeks thereafter.

9. With the above observation, this writ petition is disposed of.

No costs.

28.10.2024

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

To

1. The Secretary

Government of Tamil Nadu

HR & CE Department,

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Chennai - 600 009.

2. The Commissioner,

Hindu Religious and Charitable Endowment,

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Page No:6/8



W.P.No.19795 of 2017

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W.P.No.19795 of 2017

N.MALA.J.,

Msv

W.P.No.19795 of 2017

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