



W.P.No.38056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.38056 of 2024 and
W.M.P.No.41155 of 2024

Kovil Pusarigal Nala Sangam
(Reg. No.121/2005)
No.171/1, Azagiri Ammal Thottam
Narasothipatti, Salem-636 004
Rep. By its President
P.Vasu

... Petitioner

vs.

1. The Principal Secretary to Government
Tourism, Culture and Religious Endowments Department
Government of Tamil Nadu,
Secretariats, Fort St.George, Chennai-600 009.

2. The Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam, Chennai-600 034. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation dated 12.04.2024 and pass orders in accordance with law within the time limit as to be stipulated by this Court

For Petitioner : Mr.G.Sumitra

For Respondents : Mr.S.Ravichandran
Additional Government Pleader



WEB COPY



W.P.No.38056 of 2024

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The writ petition is filed seeking a direction to respondents to consider the representation of the petitioner association dated 12.04.2024 and pass final orders within a time stipulated by this Court.

3. It is the case of the petitioner that in number of non-listed temples under the control of the respondents, the priests appointed by the temple authorities have been in service for the past 30 years and their services have not been recognised or regularised by the 2nd respondent department. Therefore, the petitioner submitted a representation dated 12.04.2024 seeking regularisation of temple employees working in various non-listed temples under the control of 2nd respondent. The said representation has not been considered. Hence, the petitioner association has come before this Court.



W.P.No.38056 of 2024

WEB COPY

4. Under Section 55 of HR & CE Act, the authority to appoint servants of the temple is the trustee of the respective temple. Therefore, the relief sought for by the petitioner association regarding regularisation of employees working in non-listed temples has to be considered only by the trustees of the individual temples and the respondents 1 and 2 are not appointing authorities. Therefore, they cannot pass any order for regularisation of services of the employees of non-listed temples. The decision regarding the regularisation of the service shall be taken only by the appointing authority. In such circumstances, this Court is not inclined to issue any direction to respondents to consider the representation of the petitioner. Further, it is settled law that in case of service grievance, the association cannot file a writ petition and only individual employees are entitled to invoke the jurisdiction of this Court. Therefore, this Court is not inclined to entertain the prayer sought for by the petitioner. Accordingly, the writ petition stands dismissed. However, it is always open to the individual employees to make necessary representation before the competent authorities namely trustees of the individual temples. If any such representation is made by the individual employees, the same shall be



W.P.No.38056 of 2024

considered by the trustees of the respective temples in accordance with law.

WEB COPY

5. With the above directions, the Writ Petition stands dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

13.12.2024

Index: Yes/No
Internet: Yes/No
nr

To

1. The Principal Secretary to Government
Tourism, Culture and Religious Endowments Department
Government of Tamil Nadu,
Secretariats, Fort St. George, Chennai-600 009.
2. The Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam, Chennai-600 034.



WEB COPY



W.P.No.38056 of 2024

S.SOUNTHAR, J.

nr

W.P.No.38056 of 2024 and
W.M.P.No.41155 of 2024

13.12.2024



WEB COPY



W.P.No.38056 of 2024