



W.P.(MD).No.6184 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6184 of 2021

1.V.Kumar

2.C.S.Mari Balaji

3.T.Muthuraja

... Petitioners

Vs.

1.The Secretary to Government,
Tamil Development,
Religious and Charitable
Endowments Department,
Fort. St. George,
Chennai.

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai.

3.The Joint Commissioner /
The Executive Officer,
A/m Dhandayuthapaniswamy
Thirukoil,
Palani, Dindigul District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to sanction necessary posts of Assistant Executive Engineers to third respondent temple and promote the petitioners as Assistant Executive Engineers on regular basis or to upgrade the post of petitioners from Assistant Engineers to Assistant Executive Engineers in 3rd respondent temple with all service monetary and attendant benefits within the time stipulated by this Court.

For Petitioners : Mr.J.Anand Kumar
For R-1 & R-2 : Mr.D.Gandhiraj,
Special Government Pleader
For R-3 : Mr.V.R.Shanmuganathan,
Standing Counsel

ORDER

The prayer of the writ petition is as follows:

This writ petition has been filed to direct the respondents to sanction necessary posts of Assistant Executive Engineers to the third respondent temple and promote the petitioners as Assistant Executive Engineers on regular basis or to upgrade the post of petitioners from Assistant Engineers to Assistant Executive Engineers in 3rd respondent temple with all service, monetary and attendant benefits within the time stipulated by this Court.



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2. The facts which led to the filing of this writ petition is as follows:

All the three petitioners are serving as Assistant Engineer (Electrical) in the 3rd respondent temple. While so, they were also given additional charge of Assistant Executive Engineer (Electrical and Civil) respectively on 22.09.2019 and continuing in service therein. The plight of the petitioner is that, despite availability of vacancy in the cadre of Assistant Executive Engineer and though the petitioners are entitled to be promoted to the said post, their cases are not considered for promotion and the 3rd respondent temple accommodates officer from other departments, particularly Public Works Department on deputation and hence, the present writ petition came to be filed.

3. The learned counsel for the petitioner, Mr.J.Anand Kumar drew my attention to the resolution No.1 dated 07.10.2020 resolved by the 3rd respondent temple, recommending sanction of the post in the cadre of one Executive Engineer and Assistant Executive Engineer – (Civil-2 + Electrical-1) to the 2nd respondent. However, having not considered the said resolution which is already passed by the 3rd respondent even now the officers from the other departments are being deputed, depriving the



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petitioners' chance of promotion and hence, pressed for allowing the writ petition.

4. Relying upon the counter affidavit filed by the 3rd respondent, the learned standing counsel appearing for the 3rd respondent temple Mr. V.R.Shanmuganathan submitted that, there is no post of Assistant Executive Engineer at all in the 3rd respondent temple and as such the petitioner's claim cannot be considered by all means.

5. However, para 11 of the counter affidavit filed by the 2nd respondent on 30.07.2021 before this Court would reveal that the Assistant Executive Engineer posts which are available in the 3rd respondent temple have been filled up by the Engineer from Public Works Department on deputation by the order of the 2nd respondent. But filling up the said post is under consideration of the Commissioner of Hindu Religious and Charitable Endowments Department and the vacancies would be filled up so.

6. In view of the same and in view of the resolution already passed by the 3rd respondent temple, the respondents are directed to sanction the necessary post in the cadre of Assistant Executive Engineer to fill up the



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post of an Assistant Executive Engineer in the 3rd respondent temple in terms of the resolution already passed and consider the case of the petitioner for promotion, if they are otherwise qualified.

7. With the above terms and observations, this writ petition stands disposed of. There shall be no order as to costs.

02.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The Secretary to Government,
Tamil Development,
Religious and Charitable
Endowments Department,
Fort. St. George,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable
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L.VICTORIA GOWRI, J.

Sml

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