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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21110 of 2024

H.A.Senthilkumar ... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Numgambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
West Chithirai Street,
Madurai – 625 001.

3.The Assistant Commissioner/Fit Person,
Arulmigu Soundarraja Perumal Temple,
Thadikombu, Dindigul District.

4.The Executive Officer,
Arulmigu Soundarraja Perumal Temple,
Thadikombu, Dindigul District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, direct the respondents to grand continuous service benefits and arrears of salary from 18.02.2015 to 07.04.2022.

For Petitioner : M/s.S.Titus

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R1 & R2
Mr.S.Manohar
Standing Counsel for R4

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ORDER

The instant writ petition has been filed by a Clerk of the fourth respondent temple, seeking a mandamus to direct the respondent to grant continuous service benefits and arrears of salary for the period between 18.02.2015 to 07.04.2022.

2.The petitioner was originally appointed as a temporary Clerk and he was orally prohibited from attending duty. The petitioner had filed W.P.(MD)No.14076 of 2015, seeking a mandamus to continue his services as Clerk in the fourth respondent temple. The said writ petition was disposed of by this Court by an order dated 06.10.2021, wherein a direction was issued to reinstate the petitioner as Clerk forthwith and the authorities were granted liberty to regularise the services of the petitioner in terms of G.O.Ms.No.110, dated 12.08.2014.

3.Pursuant to the said order, the first respondent herein has passed an order on 19.06.2023 regularising the services of the writ petitioner as Clerk w.e.f.18.02.2015 and granting time scale of pay at Rs.2,800-8,400/- with Grade pay of 1,200/-. However, the salary for the period between 18.02.2015 and 07.04.2022 was not granted, because the petitioner has not attended the duty.

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4.Seeking the said benefits, the petitioner has sent a representation on 24.06.2024 and thereafter, the present writ petition seeking a mandamus has been filed.

5.A perusal of the order of the first respondent dated 19.06.2023 reveals that the request of the petitioner for granting arrears of salary for the period between 18.02.2015 and 07.04.2022 has been rejected. In view of the fact that the adverse orders has been passed as against the writ petitioner, the petitioner cannot file a mandamus by simply sending a representation thereafter.

6.In view of the above said facts, this writ petition stands disposed of with liberty to the writ petitioner to challenge the order of the first respondent, dated 19.06.2023, if he is so agreed. No costs.

12.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR

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To

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2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
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R.VIJAYAKUMAR, J.

RJR

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