



WP(MD)No.24325 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.24325 of 2022

V.Renganatha Pattar

.. Petitioner

v.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai – 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.

3.The Executive Officer,
Arulmigu Venkatachalapathy Thirukovil,
Sattur.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to disburse the enhanced leave benefits for 180 days as per G.O.Ms.No.213, Tourism, Culture and Endowments Department, dated 02.09.2013, to the



WP(MD)No.24325 of 2022

petitioner, along with interest for belated payment, within a stipulated time limit.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.K.Balasubramani,
Special Government Pleader
for R.1, R.2

Mr.P.Mahendran for R.3

ORDER

The petitioner, with a grievance that the earned leave benefits have not been settled to him, has submitted a representation to the respondents and has filed this writ petition.

2.Learned Standing Counsel for the third respondent Temple submitted that the petitioner is entitled for earned leave benefits to the tune of Rs.57,876/-. However, the petitioner is residing in the Temple quarters and he is having rental arrears to the tune of Rs.22,292/- and after deducting the same, the learned Standing Counsel has produced a cheque for a sum of Rs.35,584/-.



WEB COPY

3. Under protest, the petitioner's Counsel received the cheque for the sum of Rs.35,584/-. He further submitted that the petitioner retired from service on 31.07.2013 and he has, in fact, vacated the Temple quarters as early as in the month of July, 1999. According to him, the quarters was in a dilapidated condition and therefore, the petitioner has vacated the premises. He further submitted that the extent of the house is only 130 sq.ft, with no electricity connection, no water and bathroom facilities. The monthly rent is Rs.10/- and the same would be deducted from the petitioner's salary itself. Therefore, there is no default in payment of rent to the third respondent.

4. He further submitted that for having filed this writ petition, the third respondent is taking a plea as if the petitioner is having rental arrears. Even assuming without admitting that the petitioner is having rental arrears, there is no notice from the Temple administration demanding any arrears of rent. Therefore, he prayed for appropriate orders.



WEB COPY

5.This Court considered the rival submissions made on either side and perused the materials placed on record.

6.Admittedly, the respondents are due to pay the earned leave benefits to the petitioner to the tune of Rs.57,876/-. However, they have paid only a sum of Rs.35,584/- and deducted the balance amount of Rs.22,292/- towards the rental arrears to be paid by the petitioner for the quarters. The petitioner, on the other hand, denies the same.

7.This Court, under Article 226 of the Constitution of India, is not inclined to conduct a roving enquiry on the factual aspect as to whether the petitioner resided in the quarters during the relevant period or not. This writ petition is filed for retirement benefits, which is due for the petitioner. He is eligible for a sum of Rs.57,876/- and so far, he has been paid with only a sum of Rs.35,584/-. Therefore, the respondents shall pay the balance amount to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Insofar as the rental arrears, if any, is



WP(MD)No.24325 of 2022

concerned, the third respondent Temple shall work out their remedy in the manner known to law.

Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
gk

27.11.2024

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai – 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai.
- 3.The Executive Officer,
Arulmigu Venkatachalapathy Thirukovil,
Sattur.



WEB COPY



WP(MD)No.24325 of 2022

B.PUGALENDHI, J.

gk

WP(MD)No.24325 of 2022

27.11.2024