



W.P.No.3697 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.03.2025

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.3697 of 2025

R.Sudharsan

.. Petitioner

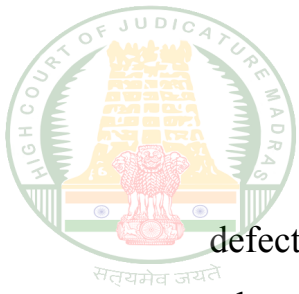
Vs.

1.The Principal Secretary,
Tourism Culture & Religious,
Endowments Department,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Hindu Religious and Charitable,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of allowing retirement to the petitioner from the Government service on the attainment of the age of superannuation in G.O. (Rt) No.282 TC and RE (RE2-2) Dept., dated 30.09.2024 issued by the 1st Respondent for the examination of the incorrectness and illegality of the imposed condition of “Subject to Liability” in the retirement order by withholding pensionary benefits of the petitioner till the rectification of



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defects disclosed in Audit with regard to certain Religious Institutions where the petitioner served and quash the same and in consequence thereof direct the 2nd respondent to rectify the defects disclosed in audit by holding a fair enquiry independently.

For Petitioner : Mr.R.Sudharsan - Party in person.
For Respondents : Mr.S.Ravichandran
Additional Government Pleader (HR & CE)

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking a relief relating to the order permitting the retirement of the petitioner on attaining superannuation in G.O. (Rt) No.282 TC and RE (RE2-2) Dept., dated 30.09.2024, issued by the first respondent for examination of the condition “subject to the liability” in the impugned order by withholding pensionary benefits of the petitioner till the rectification of the defects with regard to certain religious institutions, where the petitioner served and to quash the impugned order.

2.In the affidavit filed in support of the writ petition, it had been



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contended that the petitioner had been appointed as Assistant Commissioner

in the Tamil Nadu Hindu Religious and Charitable Endowments Department

and joined service on 05.03.1996. He was then promoted to the post of

Deputy Commissioner and later to Joint Commissioner. Thereafter, a

charge memo was issued to him. This resulted in the promotion of his

juniors to higher post overlooking the petitioner. The petitioner had taken

up that particular issue by filing a separate writ petition. It had been further

stated that the petitioner came to know that there was an audit objection in

Arulmigu Subramania Swamy Temple, at Tiruchendur, wherein the

petitioner was discharging the work. It had also been stated that various

proceedings had been initiated by the respondents consequent to the audit

objections. Those proceedings are pending enquiry. In the meanwhile,

petitioner attained the age of superannuation. He was permitted to retire, on

the condition “subject to liability”, namely, the respondents retained a lien

over the retirement and terminal benefits payable to the petitioner and adjust

the same if loss is pointed out as suffered by the respondents in the audit in

their enquiry. The issue had therefore narrowed down to payment of the

retirement benefits to the petitioner herein.



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that the representation given by the petitioner should be examined and a specific reply should be given and that terminal benefits which are pending to the petitioner should be determined by the respondents. Today, a copy of the proceedings dated 17.03.2025, in letter No.9732321/HR2-2/2025-1, had been produced on behalf of the respondents, wherein, a calculation had been made about the retirement benefits payable to the petitioner herein. This in fact answers the averments made in the writ petition. The other proceedings relating to the audit objections in various temples where the petitioner functioned are independent of this particular writ petition and are subject matters of other proceedings. The petitioner's grievance, namely, the retirement benefits must be determined, has been addressed by the respondents. The copy of those proceedings dated 17.03.2025 had also been handed over to the petitioner in Court today. It should also be stated that the petitioner is appearing as party in person. Though it is contended on behalf of the respondents that a communication had been forwarded to the petitioner to his address, still a copy had also been served to the



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petitioner today in open Court.

WEB COPY 4.No further orders are required and the writ petition stands disposed of. No costs. Consequently, connected writ miscellaneous petitions, if any, are also closed.

20.03.2025

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Index:Yes/No

Internet:Yes/No

To

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C.V.KARTHIKEYAN,J.

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