



W.P.NO.6853 OF 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

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

W.P.NO.6853 OF 2024

P.Sundarakumar Pandian
S/o.Ponnusamy
No.12/C, Narayanasamy Koil Street,
Arumuganery – 628 202.
Tiruchendur Taluk, Tuticorin District.

... Petitioner

VS.

1.The State of Tamilnadu
Rep by the Secretary
Tamil Development and Religious
Endowment Department
Fort St. George, Chennai – 600 009.

2.The Commissioner
Hindu Religious and Charitable Endowment
Chennai – 600 034.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the entire records in the proceedings of the 2nd respondent in Na.Ka.No.98182/2023/B1 dated 29.11.2023 and quash the same and to direct the respondents to grant notional promotion to the post of Assistant Commissioner w.e.f. January, 1996 from the date of such promotion and



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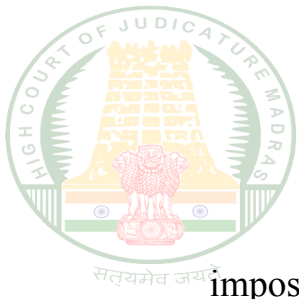
refix the petitioner pay and retirement and pensionary benefits in the promoted post and disburse the same with interest at the rate of 18% for such belated payment.

For Petitioner : Mr.P.Ramakrishnan
For Respondents : Mr.S.Ravichandran
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the proceedings of the second respondent – Commissioner, Hindu Religious and Charitable Endowment Department, Chennai, dated 29.11.2023 and to set aside the same.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was working as Executive Officer (Gr-I) (Superintendent) under the second respondent and retired from service on 30.11.1999. It had been stated that disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules had been initiated against the petitioner herein and a punishment of stoppage of increment for six months with cumulative effect was also



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imposed by proceedings dated 06.09.1999.

3.The petitioner initially filed an Original Application in O.A. No. 6353 of 1999 before the Tamil Nadu Administrative Tribunal, which was transferred to this Court and renumbered as W.P. No. 40637 of 2006. By order dated 06.04.2010, this Court allowed the Writ Petition and set aside the impugned order. Thereafter, the petitioner submitted a representation seeking re-determination of his pensionary benefits.

4.Thereafter, the petitioner filed a Writ Petition in W.P.No.23278 of 2012 wherein the following order was passed by a learned Single Judge of this Court on 04.09.2023:

“3.In view of the above, the second respondent is directed to consider the request made by the petitioner in view of the order passed by this Court in WP.No.40637 of 2006 dated 06.04.2010, thereby exonerated the petitioner from all charges, to give notional promotion to the post of Assistant Commissioner with all monetary benefits within a period of twelve weeks from the date of receipt of copy of this Order, if he is otherwise entitled for the said promotion.

4.With the above direction, this writ petition is disposed of. There shall be no order as to costs.”



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5.In the order impugned in this Writ Petition, it had been stated that the revision and reworking of the pension payable to the petitioner cannot be done due to the fact that the charges are still pending. The impugned order is dated 29.11.2023. Clearly, the second respondent had not taken into consideration the order passed by this Court on 04.09.2023 in W.P. No. 23278 of 2012, even though it was referred to in the impugned order. However, it was not followed in letter and spirit. The learned Single Judge clearly stated that notional promotion to the post of Assistant Commissioner, along with monetary benefits, could be granted, and could only be denied if the petitioner is otherwise not entitled to the said promotion. There is no other hindrance to the grant of such promotion.

6.The pendency of the disciplinary proceedings and the punishment have been set aside by this Court. A direction is hereby given to the second respondent to re-examine the orders passed by this Court in the aforementioned Writ Petitions and pass a fresh order within a period of four weeks from the date of receipt of a copy of this order. The



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impugned order dated 29.11.2023, passed by the second respondent, is hereby set aside.

7.The Writ Petition stands disposed of. No costs.

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Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK
To

1.The Secretary
Government of Tamil Nadu
Tamil Development and Religious
Endowment Department
Fort St. George, Chennai – 600 009.

2.The Commissioner
Hindu Religious and Charitable Endowment
Chennai – 600 034.



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C.V.KARTHIKEYAN, J.

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