



W.P.No.29903 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.03.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.29903 of 2023 &
W.M.P.No.29523 and 29525 of 2023

V.Suresh

...Petitioner

Vs.

1. The Commissioner

Hindu Religious and Charitable Endowments Board (HR&CE)
Nungambakkam, Chennai – 600 034

2. The Assistant Commissioner

Hindu Religious and Charitable Endowments Board (HR&CE)
Salem District

3. The Executive Officer,

Arulmigu Prasanna Nanjundeshwara Temple,
Salem Nagar & Taluk,
Salem District – 637 101

...Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to direct the 2nd and 3rd respondents to pass an order based on the petitioner's representation dated 09.05.2023 and direct the 3rd respondent not to disturb the petitioner to do his daily works in Arulmigu Prasanna Nanjundeshwara Temple, Salem Nagar and Taluk, Salem District.

For Petitioner

: Mr.R.Nareshkumar

For Respondents

: Mr.K.Karthikeyan, (HR&CE)
Government Advocate



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ORDER

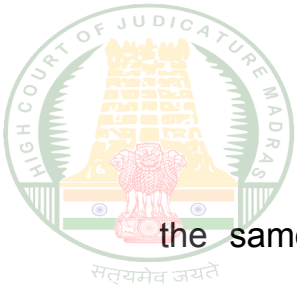
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The petitioner has filed this Writ Petition seeking for an issuance of a Writ of Mandamus directing the 1st respondent to direct the 2nd and 3rd respondents to pass an order based on the petitioner's representation dated 09.05.2023 and direct the 3rd respondent not to disturb the petitioner to do his daily works in Arulmigu Prasanna Nanjundeshwara Temple, Salem Nagar and Taluk, Salem District.

2. The brief facts of the case, as averred by the petitioner, are as follows:-

(i) The petitioner is a Nadhaswaram player from the very young age and selected by the committee of members of the temple in the year 2013 on daily wage. The petitioner participated in various special programs, as per the direction of the Executive officer of the temple and obtained various certificates. The petitioner served in the temple for the period from the year 2013 to the year 2021. The 3rd respondent without any notice, orally instructed the termination of the petitioner due to financial crises in the temple. Though the petitioner made an application before the Chief Minister Cell, however, no action was taken.

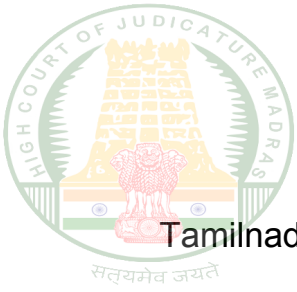
(ii) Further, the petitioner requested the 3rd respondent through RTI to provide particulars of appointment order and service records of the petitioner and



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the same is still pending without any action. Also, the temple authorities intimated that no such records are available. However, it came to light through newspapers that there is a huge amount towards the turnover in the temple. The petitioner's juniors were made permanent, however, the petitioner was terminated. Thereafter, the petitioner made an application and the same is kept in abeyance and now it is informed that the authorities are about to appoint new person in the place of the petitioner, hence this petition.

3. On the other hand the learned counsel for the respondents would submit that the petitioner, who was a daily wager Natheswaram Artist engaged in service was stopped from service since the post of Natheswaram was not sanctioned in the temple and the petitioner was assisting his brother, who was permanent staff of the temple employed as a Melam performer. The petitioner's father and grand father are also employees of the temple performing Melam service, which are sanctioned post. Further, instructions has been received from the 1st respondent to all the temples on 22.06.2021 wherein they were directed to relieve all daily wage workers performing service in temples against unsactioned post and the petitioner was relieved with effect from 30.06.2021. The petitioner's request was not considered due to non-availability of Nadheswaram post in the approved temple. The appointments can be done in compliance with Sections 7, 8 and 9 of



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Tamilnadu Hindu Religious Institutions Employee Conditions of Service Rule, 2006, hence the daily wage services of the petitioner could not be allowed. The representation dated 24.08.2021 was forwarded from Chief Minister's special cell on 28.03.2022 and the petitioner misrepresented as if he is continuing service as Nadheswaram vidhvan, while obtaining the interim order. After the death of petitioner's father, one Prabhu was appointed in the time scale of pay and the Nadheswaram post was also not sanctioned. Due to paucity of funds, the petitioner's request was not considered. Further, the respondents would appoint the petitioner in the consolidated pay, as per the Agama Rules.

4. Heard the learned counsel on either side and perused the documents placed on record.

5. It is to be noted that vide letter dated 18.03.2025 addressed to the learned Government Advocate by the Secretary, Arulmighu Nanjundeshwara Temple, Salem, it is indicated that the sanctioned post in the temple is Melam performer and the Executive Officer, has sought for appointing a Nadeswaram vidhvan for performing the pooja, as per the Agama Rules. Further, it is also stated that the authorities have decided to appoint the petitioner as Nadhaswaram vidhwan on consolidated pay.



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6. Since the learned counsel for the petitioner expressed apprehension that the 3rd respondent / temple is attempting to terminate the petitioner, this Court vide order dated 16.10.2023, taking into the long years of service rendered by the petitioner, granted interim injunction. Further, since the same was not complied with, the petitioner preferred Contempt Petition No.2791 of 2023 and the same is pending.

7. Considering the fact that the petitioner has performed Nadeswaram service from the year 2013 till the year 2021, this Court is of the view that the petitioner's claim / representation dated 09.05.2023 shall be considered by the authorities in accordance with law, as per existing Rules and by giving preference to the petitioner, as he has already performed the Nadeswaram service in the temple, within a period of eight weeks from the date of receipt of a copy of this order and on the decision being taken by the Government, the petitioner shall be placed on a consolidated pay and it is made clear that the petitioner shall not be entitled to any other concession or promotion or any other claim.



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In view of the above, the Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

20.03.2025

Index : Yes / No
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

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Nungambakkam, Chennai – 600 034
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V.BHAVANI SUBBAROYAN, J.

ssd

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