



W.A.(MD)No.391 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

and

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.391 of 2022

and

C.M.P.(MD)No.3954 of 2022

Joint Commissioner / Executive Officer,
A/M, Meenakshi Sundereswarar Thirukkcoil,
Madurai – 625 001.

... Appellant/1st respondent

-VS-

1. Thirumathi V.Erangimuthu

... 1st respondent/petitioner

2. The Secretary,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Chennai,
Tamil Nadu.

3. The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai,
Tamil Nadu.

... 2nd and 3rd Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act praying this

WEB COPY Court to set aside the order of this Court made in W.P(MD)No.3606 of 2016, dated 17.12.2021.

For Petitioner : Mr.R.Murali

For R1 : Mr.P.Murughadasan

For R2 and R3 : Mr.B.Ramanathan

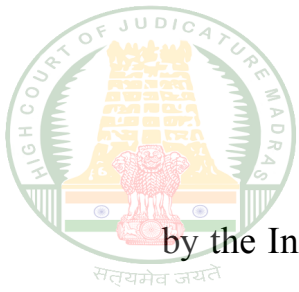
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **Dr.G.JAYACHANDRAN, J.**)

Aggrieved by the order passed by the learned Single Judge in W.P.(MD).No.3606 of 2016 dated 17.12.2021, the present intra-Court appeal is preferred by the Joint Commissioner / Executive Officer, A/M, Meenakshi Sundereswarar Temple.

2. The 1st respondent herein is the successful petitioner before the learned Single Judge, was appointed as a sweeper under compassionate appointment on 30.03.2013. On 05.06.2015, when counting of Hundi was underway, the 1st respondent / writ petitioner was found removing coins of various denomination worth Rs.170/- and concealed inside her blouse. This was noticed



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by the Inspector (HR & CE) Madurai North and the Office Superintendant and

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immediately the said money was recovered from her. After recording her statement, she was placed under suspension. Charge memo was issued to her to explain why departmental action should not be taken against her for stealing temple money and causing loss and disrespect to the temple. The 1st respondent / writ petitioner had confessed her guilt and sought for pardoning. The Joint Commissioner / Executive Officer, A/M, Meenakshi Sundereswarar Temple, on completion of enquiry submitted a report holding the 1st respondent / writ petitioner guilty of all the charges and charges found true. Consequently, the 1st respondent / writ petitioner was terminated from service vide proceedings dated 18.12.2015. In the termination order, she was informed that she can prefer appeal to the Joint Commissioner / Executive Officer, A/M, Meenakshi Sundereswarar Temple, if she is aggrieved by the order. The 1st respondent / writ petitioner has chosen to challenge the termination order by filing a writ petition stating that the impugned order dated 18.12.2015 passed without any authority or law.

3. It is contended that the 1st respondent / writ petitioner is an illiterate women knowing nothing even to count the coins. She was forced to sign in the statement and made a scape goat, contending that there is no CCTV camera



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evidence to prove her guilt of stealing Hundi money. It is further contended that

the respondent who issued the impugned order is not the competent authority to remove her from service. The learned Single Judge has allowed the writ petition by observing that the signature of the 1st respondent / writ petitioner go to show that she is an illiterate women and she has signed the papers prepared by others without knowing the consequences.

4. Being aggrieved by the said order of the learned Single Judge, the present appeal is filed stating that the learned Single Judge has not applied her mind while appreciating the voluntary admission of the 1st respondent / writ petitioner and the statements of the officers who had recovered coins of various denomination of worth Rs.170/- concealed inside the blouse of the 1st respondent / writ petitioner. The enquiry before terminating the 1st respondent / writ petitioner, an opportunity was given to her to explain the charges. Having chosen not to contest and confessing the guilt after termination, getting external aid, she has created the documents and also cast as a person against the officials who had taken action against the person who had without any compulsion / stolen the temple money.



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5. The learned counsel appearing for the appellant would submit that the retention of the 1st respondent / writ petitioner in service will bring bad repute to the institution and also dangerous to the asset of the temple.

6. Per contra, learned counsel appearing for the 1st respondent would submit that the 1st respondent / writ petitioner joined service on 30.03.2013. Her probation period is two years. Though the 1st respondent / writ petitioner has completed two years of her service, her probation was not declared. With malafied intention to terminate her and to appoint somebody of their choice, the action being initiated against her exploiting her illiteracy. Therefore, the termination of her service is no way contrary to law.

7. The counsel appearing for the 1st respondent would further submit that there is no proof for the charge of theft. The Impugned Order of the Joint Commissioner / Executive Officer was challenged by the writ petitioner by sending a representation to the Commissioner Appeals. Since no action was taken, she preferred the writ petition claiming that the enquiry conducted against the writ petitioner is farce. Therefore, the learned Single Judge has rightly allowed the writ petition.



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WEB COPY 8. A perusal of the records reveals that only after her termination, the writ petitioner has invented multiple stories of defense starting from malafide, abuse and improper inquiry. Whereas the records disclose that she was caught red handed while the counting process was under way. She never protested but having caught red handed she had been repeatedly pleading mercy quoting her family situation. She has gone to the extent of saying that she is not even capable of counting coins and also made an attempt to impress upon this Court that she has given a representation to the appellate authority but not considered. However, when the counsel was asked to produce proof for forwarding such representation, the counsel was unable to produce it. The improvement and embellishment of act stage by stage with the external aid and advice is false scene.

9. In this case, however the bare fact that the 1st respondent / writ petitioner who was appointed as a sweeper by (HR & CE) found with coins of multiple denomination concealed inside her blouse while counting of Hundi was underway remains unshakable. Whether a capital punishment of removal from service warrants is the point to be addressed though that was not canvassed by the counsel appearing for the 1st respondent. This Court giving



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anxious consideration though it appears to be a theft of Rs.170/- alone but the

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way in which the theft committed without any computation and the way in which the 1st respondent had reacted after the order of termination accusing all the officials without any reservation indicates that she is not fit to continue in employment. Her reinstatement will definitely bring disrepute to the (HR & CE) Department, which is already suffering serious allegations.

10. Therefore, this Court find that the writ appeal deserves to be allowed. Accordingly, allowed. Consequently, connected miscellaneous petition is closed.

[G.J., J.]

[R.P., J.]

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NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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