



W.P.(MD)No.12103 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.12103 of 2021

and

W.M.P.(MD).No.9507 of 2021

Gnanaoli

... Petitioner

Vs.

1.The Secretary to Government,
Tourism, Culture and Religious Endowments Department,
State of Tamil Nadu,
Fort St. George, Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road, Chennai-34.

3.The Additional Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennai-34.

4.The Assistant Commissioner,
Arulmigu Kallalagar Thirukoil,
Alagarkoil, Melur Taluk,
Madurai District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the portion of the Service rules issued by the first respondent in G.O.Ms.No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020 fixing feeder category to the promotion of the posts of Driver as Cleaner or Record Clerk or Office Assistant or Conductor in Annexure-III, Class -I Senior Grade Temples, Group-C Technical Staff, Category-VI(1) and the consequent order passed by the second respondent in his proceedings in O.Mu.No. 23849/2020/Z1 dated 09.04.2021 signed by the third respondent and quash the same and consequent direction may be issued to the respondents to promote the petitioner as Driver in the available vacancy based on the recommendation of the fourth respondent in his proceedings in Na.Ka.No.608/2019/A5, dated 02.06.2020 within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For R-1 to R-3 : Mr.P.Subbaraj,
Special Government Pleader

For R-4 : Mr.S.Manohar,
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned G.O.(Ms).No. 114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, issued by the first respondent, as well as the consequential order passed by the second respondent dated 09.04.2021 and signed by the third respondent.



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2. The petitioner's request for being promoted to the post of Driver in the available vacancy, based on the recommendation of the fourth respondent dated 02.06.2020, has been rejected under the impugned order dated 09.04.2021 passed by the second respondent and signed by the third respondent, by relying upon G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, issued by the first respondent, which fixes the feeder cadre to the promotion to the post of Driver as Cleaner or Record Clerk or Office Assistant or Conductor. Since the petitioner is not holding the said post, viz., the Record Clerk or Office Assistant or Conductor or Cleaner, the petitioner's request for being promoted as Driver has been rejected under the impugned order dated 09.04.2021 passed by the second respondent and signed by the third respondent.

3. In this writ petition, the petitioner has challenged the impugned G.O. (Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, which fixes the feeder cadre for being promoted to the post of Driver as Cleaner or Record Clerk or Office Assistant or Conductor. The petitioner claims that he has been working as Driver in the fourth respondent Temple even prior to the impugned Government Order dated 03.09.2020 and therefore, the second respondent under the impugned order dated 09.04.2021



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has arbitrarily and erroneously rejected the petitioner's request for being promoted to the post of Driver by relying upon G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020.

4. According to the learned counsel appearing for the petitioner, the said Government Order has to be applied only prospectively and cannot be applied retrospectively. Therefore, according to the learned counsel appearing for the petitioner, since the petitioner has been working as a Driver in the fourth respondent-Temple ever since the year 1996 onwards, the second respondent ought not to have rejected the petitioner's request through the impugned order dated 09.04.2021. The petitioner also claims that a similarly placed person was promoted as a Driver on 01.10.1996, who was also working as a Driver even though he was employed as a “Para” in the fourth respondent-Temple. In the case on hand, the petitioner was appointed as a Pump Operator in the year 1996 though he claims that he has been working as a Driver ever since the date of the appointment and therefore, he claims that the impugned Government Order dated 03.09.2020 does not apply to his case and therefore, he ought to have been promoted to the post of Driver by the fourth respondent-Temple.



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5. A counter-affidavit has been filed by the respective respondents before this Court denying the contentions of the petitioner. According to them, since the petitioner has not satisfied the feeder cadre criteria as per the Rules for being promoted to the post of Driver, the respondents under the impugned order has rightly rejected the petitioner's request for being promoted to the post of Driver only in accordance with the impugned Government Order dated 03.09.2020 issued by the first respondent.

6. The learned counsel appearing for the fourth respondent has also placed on record the previous Government Order issued prior to the passing of the impugned Government Order dated 03.09.2020 and would submit that even as per the previous Government Order, the feeder cadre for the post of Driver is Cleaner or Record Clerk or Office Assistant or Conductor. He would submit that there has been no change in the feeder cadre prior to the issuance of G.O. (Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, which has been challenged in this writ petition. Even though the earlier Government Order was cancelled in view of the directions issued by this Court and fresh rules were framed as per the impugned G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, he would submit that only in accordance with the Rules, the request of the petitioner has been rejected under the impugned Government Order.



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7. Admittedly, the petitioner has challenged the impugned G.O.(Ms).No. 114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, issued by the first respondent, which makes it clear that the feeder cadre for promotion to the post of Driver is Cleaner or Record Clerk or Office Assistant or Conductor. Admittedly, the petitioner was appointed in the year 1996 only as a Pump Operator. Though the petitioner may claim that even though he was appointed as a Pump Operator, he is being employed by the fourth respondent-Temple only as a Driver ever since the date of his appointment, the said contention does not have any bearing to enable the petitioner to be promoted to the post of Driver, since it is an admitted fact that the petitioner was appointed only as a Pump Operator and not to any of the feeder cadre, viz., Cleaner or Record Clerk or Office Assistant or Conductor, which are the feeder cadres for being promoted to the post of Driver, as per the impugned G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020.

8. The learned counsel appearing for the petitioner contends that the impugned G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, is only prospective in nature and is not



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retrospective. According to him, the impugned G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, does not apply to the case of the petitioner, since the petitioner was appointed in the year 1996 itself. The petitioner cannot blow hot and cold. If the petitioner claims that the impugned G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, issued by the first respondent, does not apply to the petitioner's case, there was no necessity for the petitioner to challenge the impugned G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020. He never sought for any promotion to the post of Driver and his request seeking for promotion was made only on 22.07.2019. The petitioner also relies upon another order passed by the respondents promoting another employee, who was working as Driver even though he was appointed only as “Para”, which also pertains to in the year 1996. Therefore, for a cause of action that arose in the year 1996, this Court at this belated stage cannot also entertain this writ petition. The earlier rules were also placed on record by the learned Standing Counsel appearing for the fourth respondent Temple prior to the passing of the impugned G.O.(Ms).No.114, Tourists, Culture and Religious Endowments Department, dated 03.09.2020, which is also identical to the present Rules and even as per the earlier Rules, the feeder cadre for getting promoted to the post of Driver is only Cleaner or



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Record Clerk or Office Assistant or Conductor. The petitioner was a Pump Operator and did not belong to any of the feeder cadre, viz., Cleaner or Record Clerk or Office Assistant or Conductor in the year 1996. Even though the petitioner claims that he is being employed by the fourth respondent-Temple as only as a Driver, that will not enable this Court to grant relief as prayed for by the petitioner in this writ petition.

9. For the foregoing reasons, this Court does not find any merit in this writ petition and accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.11.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Secretary to Government,
Tourism, Culture and Religious Endowments Department,
State of Tamil Nadu,
Fort St. George, Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road, Chennai-34.

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3.The Additional Commissioner,
Hindu Religious and Charitable Endowments,
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4.The Assistant Commissioner,
Arulmigu Kallalagar Thirukoil,
Alagarkoil, Melur Tk,
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ABDUL QUDDHOSE, J.

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