



W.P.(MD)No.14930 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.14930 of 2021

and

W.M.P.(MD)No.11830 of 2021

V.Murugan

: Petitioner

Vs.

1.The Fit Person / Executive Officer,
(Checking) Additional Charge, Nagercoil,
A/m.Thirumalaikuamarasamy Temple,
Panpoli,
Shencotai Taluk,
Tenkasi District.

2.The Executive Officer,
A/m.Thirumalaikuamarasamy Temple,
Panpoli,
Shencotai Taluk,
Tenkasi District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the first respondent in his proceedings in Na.Ka.No.61/2015 dated 14.07.2020 and signed on 14.07.2021 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits.

For Petitioner : Mr.R.Balakrishnan
for Mr.M.P.Senthil

For Respondents : Mr.S.Manohar,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order dated 14.07.2020 passed by the first respondent, dismissing the petitioner from service.

2.The petitioner was working as “Paal Kavadi” in the second respondent temple and he was appointed on compassionate basis. Disciplinary proceedings were initiated against him on the ground that the petitioner was in a drunken state while supplying



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milk to the deity and also misbehaved with the devotees in a drunken state. The petitioner has been dismissed from service under the impugned order dated 14.07.2020 passed by the first respondent.

3.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to the petitioner, no enquiry was conducted in the disciplinary proceedings initiated by the respondents, which culminated in the passing of the impugned order dismissing the petitioner from service.

4.It is now brought to the notice of this Court by the learned Standing Counsel appearing for the respondent temple that aggrieved by the impugned order, the petitioner has an alternative remedy of filing an appeal before the Joint Commissioner, Tuticorin, as per the provisions of Section 56(2) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959.

5.Learned Counsel for the petitioner would submit that only due to the fact that no enquiry was conducted in the disciplinary proceedings, the petitioner has directly approached this Court by filing this Writ Petition under article 226 of the Constitution of India.



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6.Since an alternate appeal remedy is available and the petitioner has raised a valid ground namely not holding of enquiry by the respondents in the disciplinary proceedings, this Court deems it fit to direct the petitioner to file an appeal before the Joint Commissioner as the provisions of Section 56(2) of the HR & CE Act, within a time frame to be fixed by this Court. This Court deems it fit to fix the time frame for filing the appeal to be 15 days from the date of receipt of a copy of the order. Learned Counsel for the petitioner is also satisfied if 15 days time is granted to the petitioner to file the statutory appeal. Learned Counsel for the respondent has also not raised any serious objection for issuing such a direction.

7.Accordingly, this Writ Petition is disposed of, directing the petitioner to file a statutory appeal as per the provisions of Section 56(2) of the HR & CE Act before the Joint Commissioner, Tuticorin, aggrieved by the impugned order dated 14.07.2020, within a period of 15 days from the date of receipt of a copy of the order. The Joint Commissioner, Tuticorin, on receipt of the statutory appeal by the petitioner within the stipulated time as directed by this Court shall entertain the appeal and pass final orders on merits and in



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accordance with law within a period of twelve [12] weeks thereafter, after adhering to the principles of natural justice. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE., J.

MR

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