Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 42254 of 2026
and
WMP No.4762 of 2026

CNR: {HCMA012420022026}

S.Rajarajeswaran

..Petitioner(s)

Vs

1. The Commissioner
   Hindu Religious Charitable Endowments,
   119, Uthamar Gandhi Salai,
   Nungambakkam,
   Chennai-034.

2. The Joint Commissioner
   Hindu Religious Charitable Endowments,
   45, Pondicherry -Cuddalore Road,
   Cuddalore- 607 001.

3. The Assistant Commissioner
   Hindu Religious Charitable Endowments,
   45, Pondicherry -Cuddalore Road,
   Cuddalore- 607 001.

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd Respondent to conduct the surcharge enquiry in Na.Ka. No.9342/ 2025/A1 dated 20.06.2026 after completion of disciplinary proceedings in Na.Ka. No.9342/ 2025/A1 dated 15.10.2025 and pass.

For Petitioner(s): M/S.G.Surya Narayanan

For Respondent(s): Mr.S.Srinivasan,
Additional Government Pleader

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ORDER

This writ petition has been filed praying for the issuance of a Writ of Mandamus directing the 2nd respondent to conduct the surcharge enquiry in Na.Ka. No.9342/2025/A1 dated 20.06.2026, after completion of disciplinary proceedings in Na.Ka. No.9342/2025/A1 dated 15.10.2025.

2. The petitioner herein, while working as Executive Officer Grade-IV, disciplinary proceedings were initiated against him by placing him under suspension and thereafter, charge sheet was issued on the very same day. While the said enquiry into disciplinary proceedings are pending before the Enquiry Officer, proceedings under Section 90 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, had been initiated against them by issuing show cause notice, vide proceedings dated 20.06.2026. While the said disciplinary proceedings and the surcharge proceedings are being taken up simultaneously, the petitioner has approached this Court to restrain the 2nd respondent from proceeding with the enquiry in the surcharge proceedings, pending disposal of the disciplinary proceedings initiated.

3. The learned counsel for the petitioner contended that the basis for both the proceedings, is only the Audit Report. Therefore, continuation of both the proceedings simultaneously will cause prejudice to the petitioner, as the

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conclusions are to be arrived at against the petitioner in both proceedings. It is also contended that the very initiation of surcharge proceedings, is bad in the absence of any finding recorded in the disciplinary proceedings, holding the charges as proved. It is also contended that the surcharge proceedings cannot be allowed to proceed with, unless the petitioner is found guilty in the disciplinary proceedings.

4. This Court heard the matter at length and is not able to act based on the contentions of the petitioner, as the disciplinary proceedings and surcharge proceedings are two independent proceedings and parameters to decide the same, are different, but it may be based on the Audit Report, and it can be initiated in both the proceedings and that by itself will not form the basis for stalling the surcharge proceedings, which were initiated in terms of the said Act, for recovery of the loss caused by the petitioner to the Temple and disciplinary proceedings are lodged against them while discharging their duties as Executive Officer.

5. In the absence of any legal bar either under the Tami Nadu Civil Services (Discipline and Appeal) Rules or under the provisions of the said Act, this Court does not see any reason to stall the surcharge proceedings and also the pending disciplinary proceedings. If the Audit Report is the basis for initiation of both the proceedings, it is always open for the petitioner to defend

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and establish his case in both the proceedings, and hence, the Writ Petition cannot be entertained at this stage.

6. With the above observations, both the Writ Petition is dismissed. No costs. Consequently, the miscellaneous petitions, if any, shall stand closed.

27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

dpa

To

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MUMMINENI SUDHEER KUMAR, J.

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