

W.P.No.23070 of 2021

THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKEVALU, J.

(Order of the Court was made by the Hon'ble Chief Justice)

The petition focuses on malaise that may have continued for long in temples in this State.

2. According to the petitioner, the State Government routinely resorts to transferring persons in government service as officials to carry out administration work in temples though the law in such regard does not permit the same. The petitioner submits that though an Executive Officer or a Fit Person may be appointed in respect of any temple complex, the Executive Officer has no authority to engage any personnel at the relevant temple as that is the exclusive authority of the trustees.

3. In such regard, the petitioner places Sections 45 and 55 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The petitioner says that the problem arises since no effort has been

made in filling up the positions of the trustees in the several temple complexes controlled by the HR & CE Department.

4. The petitioner also refers to Rule 9(7) of the Fundamental Rules which defines "foreign service". The petitioner next places Rule 111 from Chapter XII of the Fundamental Rules and lays stress on the Explanation to such Rule that indicates that the loan of a government servant to a private undertaking shall be regarded as a very exceptional measure. The petitioner laments that the government routinely resorts to the loan of government officials to temple administrations functioning under Executive Officers or Fit Persons.

5. Learned Advocate-General takes notice on behalf of the official respondents and submits that advertisements have been issued for the purpose of constituting district-level committees since it is such district-level committees which are responsible for inducting trustees at temple complexes. The State assures the court that the process of setting-up the district-level committees for such purpose would be completed within four weeks.

6. Though the petitioner seeks a stay on the further appointment or engagement of any person in the temple complexes under the control of the HR & CE Department, an injunction in such regard may be counter-productive since that may impede in the manner of administration of the large temple complexes under the control of the department and the regular running of such temples. Further, the land and assets of the temples across the State have been in jeopardy for quite some time and any injunction of the nature sought by the petitioner may be an excuse to explain away how temple land gets encroached upon and temple properties get stolen without there being adequate personnel to protect the same.

7. It is imperative that trustees be appointed as expeditiously as possible for the trustees to decide the personnel to be engaged, whether temporarily or on permanent basis, at the temple complexes so that the functioning of the temples are carried out at the desired level.

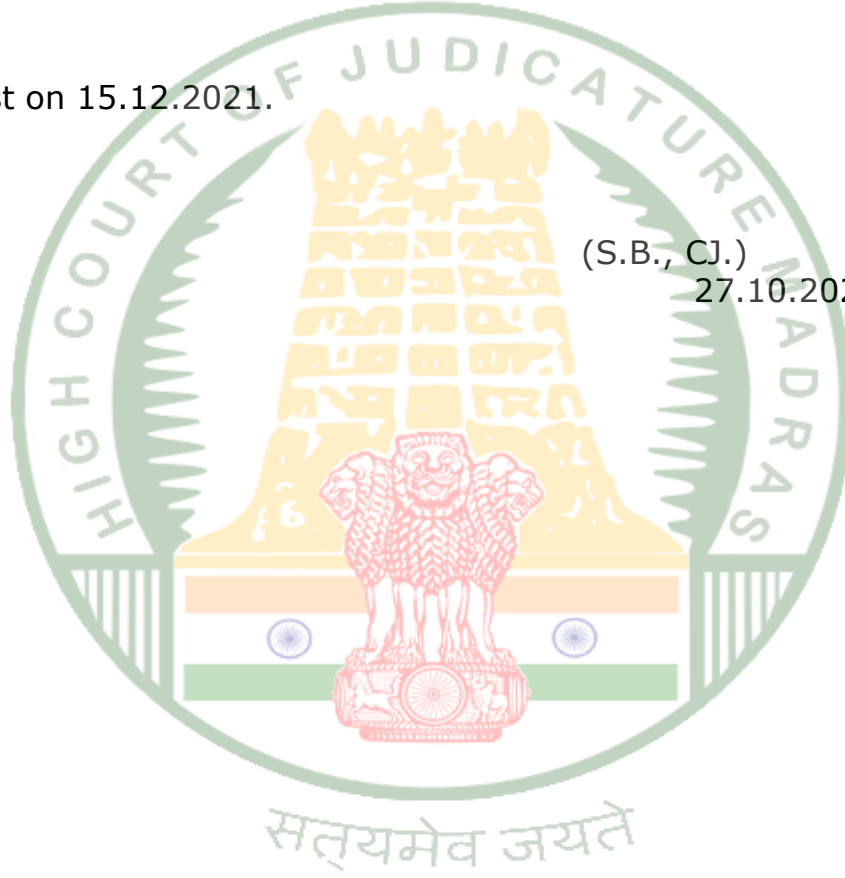
WEB COPY

8. Let this matter appear six weeks hence in the hope that the district-level committees would, by then, be in place. Once the

district-level committees are in place, the court may monitor the manner in which the district-level committees proceed in inducting trustees in accordance with law at the various temples under the control of the department.

List on 15.12.2021.

bbr



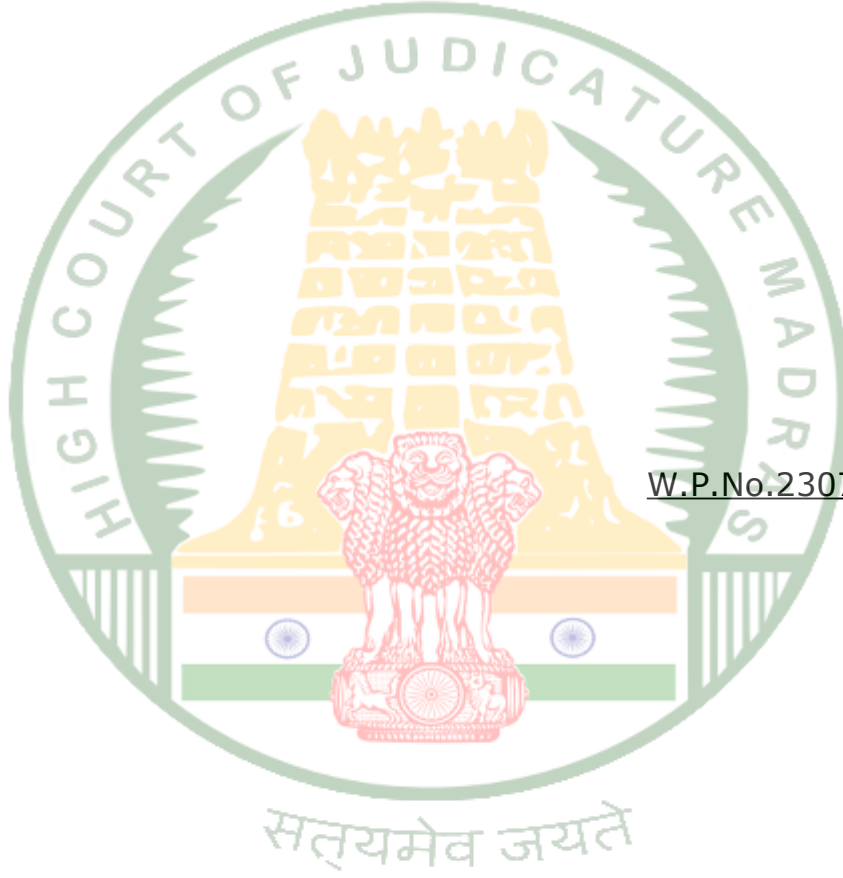
(S.B., CJ.) (P.D.A.,J.)
27.10.2021

WEB COPY

W.P.No.23070 of 2021

THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKEVALU, J.

bbr



W.P.No.23070 of 2021

WEB COPY

27.10.2021