

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WA.No. 1524 of 2015 IN WP(C).13754/2014

AGAINST THE JUDGMENT IN WP(C) 13754/2014 DATED 16-02-2015

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APPELLANTS/RESPONDENTS 2 AND 3 IN WPC :

1. COMMISSIONER MALABAR DEVASWOM BOARD
HOUSEFED COMPLEX, ERANHIPALAM P.O
KOZHIKODE - 673 006.
2. ASSISTANT COMMISSIONER
MALABAR DEVASWOM BOARD, KASARGOD - 671 124.

BY ADV. SRI.R.LAKSHMI NARAYAN

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 AND 4 IN WPC :

1. H.GOPALAKRISHNA BHAT
HEAD CLERK, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
2. C.H.RAMACHANDRA BHAT
HEAD ACCOUNTANT, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
3. B.N.SUBRAMANYA
U.S CLERK, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
4. K.SRIKRISHNA
U.D CLERK, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
5. K.SHYAMA MADHYASTA
U.D CLERK, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
6. K.M.VENUGOPALAN
U.D CLERK, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.

7. C.VENUGOPALAN
L.D CLERK, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
8. K.PUSHPA
LAST GRADE EMPLOYEE, SREE MADANANDHESWARA TEMPLE
MADHUR, KASARGOD - 671 121.
9. T.M.NARAYANAN NAMBISHAN
LAST GRADE EMPLOYEE, SREE MADANANDHESWARA TEMPLE
MADHUR, KASARGOD - 671 121.
10. VINODKUMAR A. N
SECURITY GUARD, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
11. RAVEENDRAN
SECURITY GUARD, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
12. P.ANEESH
SECURITY GUARD, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
13. M.P.CHANDRAN
L.D.CLERK, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
14. T.V.RAMESHKUMAR
DRIVER, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
15. A.PUSHPA
SWEEPER, SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.
16. STATE OF KERALA
REP. BY THE SECRETARY TO GOVT., REVENUE AND DEVASWOMS
THIRUVANANTHAPURAM - 695 001.
17. THE EXECUTIVE OFFICER
SREE MADANANDHESWARA TEMPLE, MADHUR
KASARGOD - 671 121.

R1 TO R15 BY SRI.K.MOHANAKANNAN
R16 BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL
R17 BY SRI.SURESH KUMAR KODOTH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 1524 OF 2015

Dated this the 30th day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the appellants, learned counsel appearing for the respondent-writ petitioners as well as learned Special Government Pleader appearing for the State.

2. This writ appeal has been filed against the judgment dated 16.02.2015 passed in W.P.(C) No.13754 of 2014. The writ petition has been filed by the employees of the Sree Madanandheswara Vinayaka Temple, Madhur, Kasaragod seeking to implement the pay revision which has been implemented with regard to the Government employees.

3. Petitioners' case in the writ petition is that the temple in question is a Special Grade Temple and the State Government by Ext.P11 letter dated 25.07.2012 has already extended the benefit of pay revision to the five Special Grade Temples and the temple in question was only left out. The Malabar Devaswom Board has filed its statement. The learned

Single Judge, after hearing the petitioners, came to the conclusion that Ext.P6 order shall be implemented in Sree Madanandheswara Vinayaka Temple, Madhur, Kasaragod also within a period of two months from the date of receipt of a copy the judgment. Aggrieved by the said order, the Malabar Devaswom Board has come up with this appeal.

4. Learned counsel for the appellants submits that under the order of State Government a Committee has been constituted to study the matter relating to the Malabar Devaswom Board temples including the temple in question. It is stated that the said Committee is constituted recently, i.e. only on 23.07.2015.

5. We have considered learned counsel for the parties and perused the records.

6. In so far as the impugned judgment in this appeal, the learned Single Judge has directed to implement Ext.P11 by which the State Government has extended the benefit of pay revision to the Special Grade Temple employees. It is not disputed that the temple in question is a Special Grade Temple

and it was clear from Ext.P11 that similarly situated employees had been granted the pay revision. Therefore, we do not find any infirmity in the direction issued by learned Single Judge.

7. In so far as the submission of learned counsel for the appellants that Government has constituted a Committee to study the matter and submit a report, the said study or any subsequent decision may be taken with which we are not concerned in this writ appeal. However, we make it clear that the State Government and the Board are free to take a decision in accordance with law.

With the above observation, the Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

WA No.1524 of 2015

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