

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43397/2016 & W.M.P.No.37256 of 2016

- 1.S.Nagarajan
- 2.G.Venkatraman
- 3.A.Murugesan
- 4.N.Arumugam
- 5.R.Srinivasan
- 6.R.Subramaniyan
- 7.S.Sivaraman
- 8.V.Sanmuga Sundram
- 9.M.Ganeshan
- 10.S.Manickam Vasagam
- 11.N.Subramaniyan
- 12.T.Ramachandran
- 13.R.Periyasamy
- 14.G.Kumar
- 15.N.Kalyana Kumar
- 16.J.Swaminathan
- 17.S.Viswanathan
- 18.S.Sathasivam
- 19.N.R.Pandurangan
- 20.K.Govindaraj
- 21.J.Vasanth
- 22.K.Subramaniyan
- 23.V.Ganesan
- 24.K.Ramakrishnan
- 25.P.Malavihi
- 26.P.Nagarajan
- 27.C.Sivakuma
- 28.J.Vasudevan
- 29.B.Jambunathan
- 30.Smt.A.Jayam
- 31.Smt.S.Rajasulochana

32.Smt.Rani
 33.Smt.S.Revathy
 34.Smt.S.Karpaggam
 35.Smt.O.Subulakshmi
 36.Smt.V.Vasantha
 37.Smt.M.Brindha
 38.Smt.K.Savithri
 39.Smt.J.Padmavathi .. Petitioners

Vs.

- 1.The Secretary,
 Government of Tamil Nadu,
 Hindu Religious & Charitable Endowment Department,
 Fort St.George,
 Chennai - 600 009.
- 2.The Commissioner,
 Hindu Religious & Charitable Endowment Department,
 Uthamar Gandhi Salai,
 Nungambakkam,
 Chennai - 600 034.
- 3.The Executive Officer/Asst.Commissioner,
 Arulmigu Jambugeswarar Akilandeshwari
 Thirukoil, Thiruvanakaval, Trichy - 620 005.
- 4.The Board of Trustees,
 Rep by its Chairman & Thakkar/Asst.Commissioner,
 Arulmigu Jambugeswarar Akilandeshwari
 Thirukoil, Thiruvanakaval, Trichy - 620 005. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to grant the benefit to the employees of the fourth respondent temple under G.O.Ms.No.469 dated 25.09.1998 in terms of the income from Fazli year 1409 onwards as per the report of the fourth respondent dated 20.09.2016 made in Na.Ka.No.37/1425/A3.

For Petitioners : M/s.G.Thilakavathi

For Respondents : Mr.M.Maharaja,Spl.GP (HR&CE)

ORDER

By consent, the writ petition is taken up for final disposal. Mr.M.Maharaja, learned Special Government Pleader [HR&CE] accepts notice on behalf of the respondents.

2 The petitioners claim to be the employees of the 4th respondent / temple which is coming under the control and administration of the Hindu Religious and Charitable Endowment Department, Government of Tamil Nadu and would state that the temples have been classified into different grades based upon their annual income. It is further stated by the petitioners that the 1st respondent vide G.O.Ms.No.282, dated 14.05.1990 had re-classified the existing categorisation in the following manner:-

[i] Temples with income more than Rs.1,00,00,000/- [Rupees One Crore only], Executive Officers in the cadre of Joint Commissioners.

[ii] Temples with income above Rs.40,00,000/- [Rupees Forty Lakhs only] up to

Rs.1,00,00,000/- [Rupees One Crore only], Deputy Commissioner as Executive Officer.

[iii] Temples with income above Rs.10,00,000/- [Rupees Ten lakhs only] up to Rs.40,00,000/- [Rupees Forty lakhs only], Assistant Commissioners as Executive Officers.

[iv] Temples with income above Rs.5,00,000/- [Rupees five lakhs only] up to Rs.10,00,000/- [Rupees Ten lakhs only], Executive Officer Grade I.

[v] Temples with income above Rs.2,00,000/- [Rupees Two lakhs only] up to Rs.5,00,000/- [Rupees Five lakhs only], Executive Officer Grade II.

[vi] Temples with income above Rs.1,00,000/- [Rupees one lakh only] up to Rs.2,00,000/- [Rupees Two lakhs only], Executive Officer Grade III.

[vii] Temples with income above Rs.10,000/- [Rupees ten thousand only] up to Rs.1,00,000/- [Rupees One lakh only], Executive Officer Grade IV."

3 Accordingly, the salaries and emoluments of the employees were to be refixed. However, in respect of some of the temple employees, it has not been implemented and thereafter,

representations have also been submitted to the Government, based on which, the 1st respondent has passed G.O.Ms.No.469 dated 25.09.1998, specifying the number of temples which should be brought under revised pay structure and the Annexure was also appended to the said order and as per the said Annexure, the 4th respondent / temple has been enlisted as Serial No.7 of Annexure-II, by virtue of which, the salaries and allowances of the employees of the 4th respondent / temple is also liable to be revised/refixed by considering the status of the temple. The grievance expressed by the petitioners is that despite repeated representations, their pay scales and allowances have not been refixed and therefore, they came forward to file the present writ petition.

4 Mrs.G.Thilakavathy, learned counsel for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that in similar circumstances, this Court has passed series of following orders, viz.,

[1]in WP.No.3549/2011 dated 17.08.2011 ; and

[2]in WP.Nos.11158 to 11536/2012 dated 19.06.2012

directing the respondents therein to confer the benefits in terms of G.O.Ms.No.469 of the 1st respondent Department dated 25.09.1998 and

G.O.Ms.No.54 of the very same Department dated 09.04.2003 and since the petitioners are similarly placed, appropriate orders may be passed.

5 Per contra, Mr.M.Maharaja, learned Special Government Pleader [HR&CE] has drawn the attention of this Court to the proceedings of the Executive Officer / Assistant Commissioner of HR&CE, dated 20.09.2016 in Na.Ka.No.37/1425/m3 and would submit that a positive recommendation has already been submitted to the 2nd respondent and orders are awaited.

6 This Court considered the rival submissions and also perused the materials placed before it.

7 This Court, taking into consideration the above facts and circumstances, directs the 2nd respondent to act on the recommendation / proposal of the 3rd respondent dated 20.09.2016 in Na.Ka.No.37/1425/m3 and pass orders as expeditiously as possible and not later than three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

8 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

16.12.2016

Index : No

Internet : Yes

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To

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3.The Executive Officer/Asst.Commissioner,
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4.The Chairman & Thakkar/Asst.Commissioner,
Board of Trustees,
Arulmigu Jambugeswarar Akilandeshwari
Thirukoil, Thiruvanakaval, Trichy - 620 005.

M.SATHYANARAYANAN, J.,

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