



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.743 of 2011

WEB COPY

1.N.Sivabaskaran

2.S.Kannan

... Petitioners

Vs

1.The State of Tamil Nadu,
represented by the Secretary to Government,
Hindu Religious and Charitable Endowments,
Fort St.George, Madras.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Madras - 34.

3.The Joint Commissioner/
Executive Officer,
Incorporated and un-incorporated Devasam,
Suchindrum Post,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.77833/2005/U1, dated 24.8.2010 on the file of the second respondent and to quash the same as illegal insofar as the Petitioners are concerned and consequently to direct the respondents to pay the arrears of salary from 1.7.1997 to the Petitioners as per the 5th Pay Commission and then to fix the scale of pay of the Petitioners as per the 6th Pay Commission from 1.1.2006.

For Petitioners : M/s.T.Lajapathi Roy

For Respondents : Mr. R. Sethuraman
1 and 2 Special Government Pleader

For Respondent-3 : Mr.H.Thayumanaswamy

ORDER

The internal communication shared between the Commissioner, Hindu Religious and Charitable Endowments Department and the Joint Commissioner / Executive Officer, incorporated and un-incorporated temples, Suseendram, dated 08.01.2013, is under challenge in this writ petition.

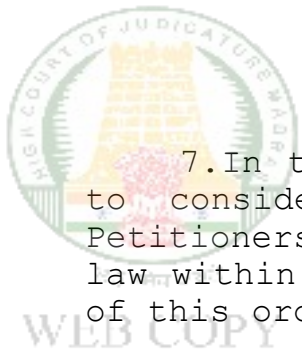
2. The Commissioner, Hindu Religious and Charitable Endowments Department issued certain guidelines for the purpose of fixing scale of pay to the employees of the Joint Commissioner / Executive Officer, incorporated and un-incorporated temples in Kanyakumari District at Suseendram. The Commissioner issued certain guidelines for granting of revised scale of pay in respect of the employees working in the temples in Kanyakumari District. The said communication is under challenge.

3. This Court is of an opinion that the scale of pay is to be fixed in accordance with the Government orders and the pay Rules in force. It is not clear whether the Government guidelines are followed by the Commissioner or not. Thus, the Government guidelines in this regard are to be followed while undertaking the process of fixing of scale of pay to the employees working in various temples in Kanyakumari District. However this Court cannot fix the scale of pay of the employees.

4. In view of the fact that the same is to be done in accordance with the procedures contemplated in the Pay Rules by the establishments. Further, in this writ petition, internal communication alone is under challenge. If the writ petitioners are aggrieved from and out of the fixation done, then they are at liberty to approach the appropriate authorities for redressing their grievances.

5. It is brought to the notice of this Court that earlier W.P (MD) No. 2840 of 2011 was filed and this Court passed an order on 23.2.2012 stating that the Commissioner, Hindu Religious and Charitable Endowment Department had sent proposal to the Government for consideration. Subsequently, the respondents 1 and 2 filed Miscellaneous Application in the Writ Petition seeking extension of time to decide the matter and to pass orders. However, no final order has been passed by the first respondent in this regard.

6. The learned counsel for the Petitioners states that in spite of proposal sent by the Commissioner, Hindu Religious and Charitable Endowment Department, the first respondent/Government has not taken a decision in respect of fixation of salary to the Writ Petitioners. Thus, it is suffice if a direction is given to the first respondent to consider the proposal submitted by the petitioners on merits, take a decision and pass orders in accordance with law.



7. In this view of the matter, the first respondent is directed to consider the proposal/representation submitted by the Writ Petitioners, if any and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
Hindu Religious and Charitable Endowments,
Fort St. George, Madras.

2. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Madras - 34.

3. The Joint Commissioner/
Executive Officer,
Incorporated and un-incorporated Devasam,
Suchindrum Post,
Kanyakumari District.

+1cc to Mr. T. Lajapathi Roy, Advocate, SR.No.58511
+1cc to Mr. H. Thayumanaswamy, Advocate, SR.No.58508
+1cc to The Special Government Pleader, SR.No.58969

vsn

RL/7C/3P/SV/SAR1/2/5/2018

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