



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.16892 of 2013

K.Buthisigamani

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and
Charitable Endowment Department, Chennai.

2.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Department,
Near Meenakshi Amman Temple, Madurai.

3.The Assistant Commissioner / Executive Officer,
Arulmigu Koodalazhagar Perumal Thirukovil,
Near Periyar Bus Stand,
Madurai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide the petitioner the arrears of the salary for the period in between 01.01.2004 and 31.12.2009 a sum of Rs.32,850/- and further period in between 01.01.2010 and 31.12.2011 a sum of Rs.18,250/- to the petitioner.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mrs. Lakshmi Prasanna
(R1 & R2) (Govt. Advocate)

For Respondent-3 : Mr.S.Manohar

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to provide arrears of salary for the period in between 01.01.2004 and 31.12.2009, a sum of Rs.32,850/- and further period in between 01.01.2010 and 31.12.2011, a sum of Rs.18,250/- to the petitioner.

2. The petitioner was working as a Cook on daily wage basis and as per the petitioner, the daily wage salary of Rs.200/- is to be paid throughout. Thus, the petitioner is seeking a direction to pay



a sum of Rs.200/- per day, as daily wage salary, from the year 2004 to 2009 and 2010 to 2011.

3. The 3rd Respondent, Assistant Commissioner / Executive Officer, filed an application stating that the petitioner is working under the scheme viz., 'Anna Dhana Scheme' and the Scheme was implemented as per the Government Policy, with effect from 23.02.2002. Accordingly, the petitioner was given a daily wages of Rs.190/- as per the proceedings, dated 30.04.2002. Subsequently, the Commissioner, HR & CE., Chennai, ordered in proceedings dated 15.04.2010 that a sum of Rs.175/- is to be paid under the 'Anna Dhana Scheme'. Further, it was reduced from Rs.175/- to Rs.150/- considering the various factors that the 'Anna Dhana Scheme' being a special scheme.

4. Though the daily wage salary was reduced to Rs.150/-, the respondent Temple was paying Rs.175/- to the writ petitioner, for the reason that the 'Anna Dhana Scheme' should be properly managed and in order to protect the interest of the petitioner, the daily wage salary of Rs.175, as paid earlier was settled in favour of the Writ Petitioner. Subsequently, the Commissioner, HR & CE., in his proceedings dated 09.12.2011 fixed the daily wage salary of Rs.200/- for the Anna Dhana Cook. Accordingly, Rs.200/- is being paid to the petitioner and the petitioner has suppressed all these facts. During the festive season, if the crowd is more, then, the petitioner is paid higher amount for the work done. The petitioner is working from 9.00 am to 2.00 p.m., and the entire arrears of salary has been paid to the writ petitioner.

4. The claim of the writ petitioner is that the amount of Rs.200/- per day, as per the orders of the 1st respondent, dated 09.12.2011 is to be paid from the year 2004 to 2009 and 2010 to 2011.

5. This Court is of the considered opinion is that the salary of Rs.200/- per day was fixed in order dated 09.12.2011 and from the date of the order, the daily wage salary of Rs.200/- is being paid to the writ petitioner, by the third respondent Temple. This being the factum, the retrospective payment of daily wage salary would not arise at all. The 1st respondent enhanced the salary only in order dated 09.12.2011 and therefore, the relief as such sought for in the present Writ Petition cannot be granted and accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



MPK

To

1.The Commissioner,
Hindu Religious and
Charitable Endowment Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and
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Near Meenakshi Amman Temple,
Madurai.

3.The Assistant Commissioner / Executive Officer,
Arulmigu Koodalazhagar Perumal Thirukovil,
Near Periyar Bus Stand,
Madurai.

+1 CC to M/s.S. MANOHAR, Advocate (SR-23708[F] dated 02/12/2020)

W.P. (MD) No.16892 of 2013

01.12.2020

mr (CO)

TR(28.12.2020) 3P 5C