



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2020

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P(MD)Nos.5817 and 5820 of 2020

P.Senthilkumar	.. Petitioner in W.P(MD)No.5817 of 2020
M.Selvanayagan	.. Petitioner in W.P(MD)No.5820 of 2020

Vs.

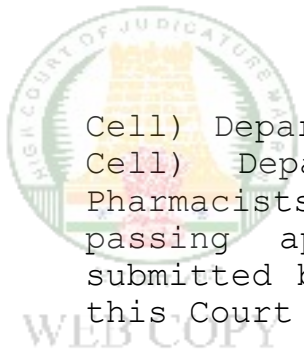
1.The Principal Secretary/Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Utthamar Gandhi Salai,
Chennai - 38.

2.The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani - 624 601,
Dindigul District.

.. Respondents in
both W.Ps.

PRAYER IN W.P(MD)No.5817 of 2020: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent herein to grant necessary permission to the 2nd respondent temple for increasing the scale of pay of the writ petitioner (Assistant Pharmacist) from Rs.5,200-15,900 and Grade Pay Rs.2,000/- to Rs.9,300-34,800 and Grade Pay Rs.4,200/- by extending the benefits of G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.296, Finance (Pay Cell) Department, dated 26.08.2010 on par with other Chief Pharmacists and Pharmacist serving under Tamil Nadu Government by passing appropriate orders on the proposal dated 07.08.2019 submitted by the 2nd respondent temple within a time limit fixed by this Court and pass such further or other orders.

PRAYER IN W.P(MD)No.5820 of 2020: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent herein to grant necessary permission to the 2nd respondent temple for increasing the scale of pay of the writ petitioner (Pharmacist) from Rs.5,200-15,900 and Grade Pay Rs.2,400/- to Rs.9,300-34,800 and Grade Pay Rs.4,200/- by extending the benefits of G.O.Ms.No.234, Finance (Pay



Cell) Department, dated 01.06.2009 and G.O.Ms.No.296, Finance (Pay Cell) Department, dated 26.08.2010 on par with other Chief Pharmacists and Pharmacist serving under Tamil Nadu Government by passing appropriate orders on the proposal dated 07.08.2019 submitted by the 2nd respondent temple within a time limit fixed by this Court and pass such further or other orders.

For Petitioner : Mr.A.Manikandan
in both W.Ps.

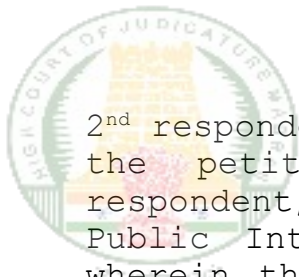
For Respondents : Mr.V.R.Shanmuganathan,
in both W.Ps. Special Government Pleader.

COMMON ORDER

These writ petitions have been filed for issuance of a Writ of Mandamus to direct the 1st respondent to grant necessary permission to the 2nd respondent temple for increasing the scale of pay of the writ petitioners by extending the benefits of G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.296, Finance (Pay Cell) Department, dated 26.08.2010 on par with other Chief Pharmacists and Pharmacist serving under the Government of Tamil Nadu by passing appropriate orders on the proposal dated 07.08.2019 submitted by the 2nd respondent temple.

2.Mr.VR.Shanmuganathan, learned Special Government Pleader, takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioners is that the petitioners joined the service of the 2nd respondent temple as Assistant Pharmacist and Pharmacist respectively, with effect from 01.01.2014. As per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.296, Finance (Pay Cell) Department, dated 26.08.2010, the pay scale of all the Chief Pharmacist and Pharmacist were increased from Rs.5,200-20,200 to Rs.9,300-34,800 and grade pay was increased from Rs.2,800/- to Rs.4,200/- by the Tamil Nadu Government. But, the pay scale of Pharmacist working within the 2nd respondent temple was continued to be maintained as Rs.5,200 - 15,900/- with Grade Pay of Rs.2,400/- and the pay scale of Assistant Pharmacist was continued to be maintained as Rs.5,200 - 15,900 with Grade pay of Rs.2,000/-. Therefore, the petitioners gave representations dated 02.07.2018 seeking to extend the benefits of the said Government Orders to them. The 2nd respondent temple made a proposal dated 06.08.2018 seeking necessary permission for extending the benefits of the said Government Orders to the petitioners and similarly placed persons and on receipt of the said proposal, the 1st respondent, vide proceedings, dated 10.09.2018, directed the



2nd respondent to send report regarding the nature of the workdone by the petitioners and other particulars, upon which, the 2nd respondent, also submitted a report, dated 17.09.2018. While so, a Public Interest Litigation was filed in W.P(MD)No.1084 of 2019, wherein this Court directed to consider the request of the temple employees to increase their scale of pay on par with the recommendations of the pay commission, upon which, the 1st respondent passed G.O.Ms.No.91, Tourism, Culture and Religious Endowments Department, dated 28.06.2019, refixing the pay scale of temple staffs. Since there are some discrepancies regarding the pay anomaly in the said Government Order, this Court granted liberty to the aggrieved employees to make necessary representations to the 1st respondent through their respective temples and on receipt of the same, the 1st respondent shall pass appropriate orders within a period of three months.

4. According to the petitioners, based on the request made by the petitioners and similarly placed persons, once again the 2nd respondent made a detailed proposal dated 07.08.2019 to the 1st respondent to grant necessary permission for extending the benefits of the Government Orders to the petitioners and similarly placed persons working under the 2nd respondent. Since, no orders have been passed on the said proposal, the petitioners are before this Court.

5. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. The learned counsel appearing for the petitioners would submit that though the 2nd respondent submitted the proposal dated 07.08.2019 to the 1st respondent, till date no orders have been passed. He would further submit that it would suffice, if the 1st respondent is directed to pass appropriate orders on the proposal submitted by the 2nd respondent, as per law.

7. The learned Special Government Pleader appearing for the respondents would submit that the 2nd respondent has already sent the proposal to the 1st respondent and the matter is pending with the 1st respondent and the 1st respondent would pass appropriate orders on the proposal, within the time frame to be fixed by this Court.

8. Considering the submissions made on either side and also considering the limited scope of prayer sought for, this Court, without adverting to the merits of the case, directs the 1st respondent to consider the proposal submitted by the 2nd respondent, dated 07.08.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



9. With the above directions, this Writ petition is disposed of.
No costs.

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Sd/-

Assistant Registrar ()

/ /2020
Sub Assistant Registrar (CS)

To

1. The Principal Secretary/Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Utthamar Gandhi Salai,
Chennai - 38.
2. The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani - 624 601,
Dindigul District.

**COMMON ORDER MADE IN
W.P (MD) Nos. 5817 and 5820 of 2020**

20.03.2020

SPU (23.06.2020) 4P-3C