



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY
W.P.[MD]Nos.16318 and 16321 of 2020

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S.Murugaiah ... Petitioner in W.P.[MD]No.16318 of 2020
T.Kannadhasan ... Petitioner in W.P.[MD]No.16321 of 2020
Vs.

- 1.The State represented by
The Secretary to Government,
Hindu Religious and Charitable Endowment Department,
St. George Fort,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 34.
- 3.The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Suchindram Post,
Kanyakumari District. ... Respondents in both W.Ps.

COMMON PRAYER : These Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to fix the pay scale of the petitioners as per V pay commission from 01.07.1997 and consequently increased salary as per VI pay commission from 01.07.2007 in par with similarly placed candidates and may consequently grant all the service benefits to the petitioner on the basis of the representation made by the petitioners dated 03.10.2020, in light of order passed by this Court in W.P.(MD)No.13922 of 2015 dated 23.09.2020 and W.A.(MD)No.1283 of 2019 dated 20.11.2020.

For Petitioners : Mr.D.Nallathambi
(in both W.Ps.)

For Respondents 1 and 2 : Mr.R.Murugaraj
(in both W.Ps.) Government Advocate

For 3rd Respondent : Mr.K.Sathiya Singh
(in both W.Ps.) Additional Government Pleader



COMMON ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2. These writ petitions have been filed to direct the respondents to fix the pay scale of the petitioners as per 5th pay commission from 01.07.1997 and consequently increased salary as per 6th pay commission from 01.07.2007 in par with similarly placed candidates and may consequently grant all the service benefits to the petitioners on the basis of the representations made by the petitioners dated 03.10.2020, in light of order passed by this Court in W.P.(MD)No.13922 of 2015 dated 23.09.2020 and W.A.(MD)No.1283 of 2019 dated 20.11.2020.

3. The learned counsel appearing for the petitioners would submit that the petitioners were appointed as Special Watchmen as per the proceedings of Deputy Commissioner/Executive Officer in Na.Ka.950/95/A2 dated 15.03.1995 at Arulmighu Azhagiyamanavala Perumal Thirukovil, Chenkottai, Tirunelveli District and Arulmighu Mahadevar Thirukovil, Kuzhithurai, Kanyakumari District respectively under the third respondent. To curb the theft of idols and the jewels in several temples of Thirunelveli and Kanyakumari Districts, 14 Special Watchmen were appointed by the respondents including the petitioners and among them one person died and two others left the job.

4. The learned counsel for the petitioners would further submit that at the time of appointment, the petitioners' pay was fixed as Rs.600-10-720-15-1020 with all allowances as per existing rules. Subsequently, the Principle Secretary cum Commissioner, HR&CE, vide proceedings in Na.Ka.77833/05-1/U1, dated 16.10.2008 regularized the petitioners service from the date of appointment with pay scale of Rs.525-10-755-15-934. The above regularization order was categorically directs the third respondent to fix scale of pay of the petitioners and other similarly placed 10 candidates as per 5th pay commission in G.O.Ms.No.257 dated 10.06.1998 as Rs.2610-30-3150-65-3640. Accordingly, several officials attached to the third respondent office in their respective tenure recommended the petitioners' name to fix the pay scale as per 5th and 6th pay commission by proceedings Nos. Na.Ka.634/05/A2 dated 04.04.2007, Na.Ka.No.634/05/A2 dated 31.01.2009 and Na.Ka.No.634/05/A2 dated 18.06.2009.

5. In the mean time, one Haripadmanabhan a similar placed candidate has filed a writ petition in W.P(MD) No.13922 of 2015 before this Court and the same was disposed of. Against the said order, the third respondent filed an appeal in W.A(MD) No.1283 of



2019. This Court vide order dated 20.11.2019, directed the second respondent to take note of recommendation made by the third respondent dated 30.01.2009 and 18.06.2009, which are in terms of the directions issued by the second respondent in his proceedings dated 16.08.2008. Though specific order was passed by this Court, recently after taking note of all the happenings, the second respondent failed to initiate appropriate action for disbursing revised the pay scale to the petitioners and similarly placed persons. In this regard, the petitioners made a representation on 03.10.2020 by quoting the order of writ petition in W.P(MD) No.13922 of 2015 dated 23.09.2019 and the Division Bench order made in W.A.No.1283 of 2019 dated 20.11.2019. However, the said representation has not been considered by the respondents till date. Therefore, without any other option, the petitioners approached this Court by way of these writ petitions.

6.The learned Additional Government Pleader appearing for the third respondent admitted the fact that the Division Bench has already passed an order and the same is binding on the respondents. He would further submit that the representation of the petitioners dated 03.10.2020 will be considered on merits and in accordance with law.

7.Taking into consideration of the submissions made by the learned counsel appearing on either side, this Court directs the respondents to pass appropriate orders on the petitioner's representation dated 03.10.2020 on merits and in accordance with law, considering the order passed by this Court in W.P(MD) No.13922 of 2015 dated 23.09.2019 and in W.A.(MD)No.1283 of 2019 dated 20.11.2019 within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above directions, these Writ petitions are disposed of. No costs.

Sd/-

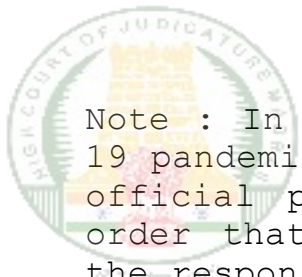
Assistant Registrar (CRL.SIDE)

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To:-

- 1.The Secretary to Government,
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Chennai.
 - 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 34.
 - 3.The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Suchindram Post,
Kanyakumari District.
- +1 CC to SGP (SR-22395[F] dated 20/11/2020)
- +2 CC to Mr.D.NALLA THAMBI, Advocate (SR-22141,22142[F] dated 19/11/2020)
- +2 CC to Mr.K.SATHIYA SINGH, Advocate (SR-22246,22245[F] dated 20/11/2020)

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SVN(CO)
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