



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :07.12.2020
CORAM
THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**
W.P. (MD) No.16231 of 2020

B.Senthilkumar

...Petitioner

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,
Nungambakkam,
Chennai 34.
 - 3.The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Suchindram Post,
Kanyakumari District.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to fix the pay scale of the petitioner as per 5th 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, in light of order passed by this Court in W.P.(MD). No.13922 of 2015 dated 23.09.2019 and W.A.(MD).No.1283 of 2019 dated 20.11.2019.

For Petitioner	:	Mr.V.Meenakshi Sundaram for Mr.D.Nallathambi
For Respondents	:	Mr.K.P.Narayanakumar Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to fix the petitioner's pay scale, as per 5th pay commission with effect from 01.07.1997, to increase the salary, as per 6th pay commission with effect from 01.07.2007 in par with the similarly placed candidates and to grant all the service benefits to the petitioner, in light of the judgment passed by this Court in W.A.(MD).No.1283 of 2019 dated 20.11.2019.

2.When the matter is taken up for hearing today through video
<https://hcservices.ecourts.gov.in/hcservices/>



conferencing, the learned counsel appearing for the petitioner would submit that the relief sought for by the writ petitioner in this writ petition is squarely covered by the judgment of this Court passed in **W.A. (MD) No.1283 of 2019 (The Joint Commissioner/ Executive Officer, HR&CE Department, Kanyakumari District Vs. C.Hari Padmanaban and other)**, dated 20.11.2019, wherein, it had been stated as follows:-

"10.In the light of the above, the writ appeal is partly allowed and the order and direction issued in the writ petitions are modified by directing the Commissioner, HR & CE Department, to take note of the recommendations of the appellant dated 31.01.2009 and 18.06.2009, which are in terms of the directions issued Commissioner, in his proceedings dated 16.08.2008 by which, the services of the writ petitioners were regularized. In the said order, there is a specific direction to the appellant to send appropriate recommendation for fixation of the salary of the first respondent / writ petitioners at the appropriate scale within fifteen (15) days. In fact, the appellant has promptly complied with the same and sent the recommendations on 31.01.2009 followed by further proceedings dated 18.06.2009. It is not clear as to why the Commissioner, HR & CE Department, has not initiated appropriate action in this regard.

11.In the light of the above, we direct the Commissioner, HR & CE Department, to take forward the proposal sent by the appellant and obtain appropriate orders for extending the appropriate financial benefits to the writ petitioners and if necessary, obtain necessary orders from the Government and the appropriate amount shall be disbursed to the respondent / writ petitioners including arrears, if any, within a period of three months from the date of receipt of a copy of this order."

3.The learned counsel, in support of his contention, also relied upon the order of this Court passed in **W.P. (MD) Nos.16318 and 16321 of 2020, (S.Murugaiah and another Vs. The Secretary to Government, HR&CE Department, Chennai)**, dated 19.11.2020, wherein, this Court has held as follows:-

"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."

WEB COPY

4.By referring the aforesaid judgment and order, the learned counsel appearing for the petitioner would submit that the issue is no more *res integra*.

5.Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents has also agreed with the submission of the learned counsel appearing for the petitioner.

6.In the light of the above, the writ petition stands allowed with a direction to the respondents to refix the petitioner's pay scale, as per 5th pay commission with effect from 01.07.1997, to increase his salary, as per 6th pay commission with effect from 01.07.2007 and the appropriate amount shall be disbursed to the petitioner including arrears, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

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.

To

1.The Secretary to Government,
Hindu Religious and Charitable Endowment Department,
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Chennai.

2.The Commissioner,
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3.The Joint Commissioner/Executive Officer,
Kanyakumari District Temples,
Suchindram Post,
Kanyakumari District.

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+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-24472[F] dated
08/12/2020)

W.P. (MD) No.16231 of 2020
07.12.2020

MJ (CO)

AP(18/12/2020) 4P 5C