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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.9.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.14069 of 2017

1 G.Ravi
S/o.S.P.Ganesan,
Ticket Salesman (Daily Wages)
5/227 Therampalayam (P.O) Pogalur-
Via Mettupalayam Taluk,
Coimbatore District ... Petitioner

Vs.

1 The Commissioner,
Hindu Religious & Endowment Dept.,
No.119 Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034

2 The Joint Commissioner,
Hindu Religious & Endowment Dept.,
Coimbatore 18.

3 The Assistant Commissioner,
Executive Officer, Arulmigu Vana Badra
Kaliyamman Tirukoil,
Thekkampatti Metupalayam,
Coimbatore District.

4 The Hereditary Trustee,
Arulmigu Vana Badra Kaliyamman Tirukoil
Thenkkampatti, Metupalayam,
Coimbatore District. ... Respondents

PRAYER :

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 1st Respondent in Na.Ka.29010/2015 dated 10.02.2016 and quash the same and consequentially direct the Respondent to pass appropriate orders as per the G.O.No.62 Tourism Culture & Endowments Department dated 18.02.2015 by regularising the petitioners job as \"Ticket Sales man/Writer\" in Arulmigu Vana Bara Kaliyamman Tirukoil Thekkampatti Metupalayam Coimbatore



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District and fix the applicable and appropriate pay scale of Rs.5200-15900/- in pay grade 2000 (instead of Rs.2600-7800/- in pay grade 1150)

For Petitioner : Mr.K.R.Samratt

For Respondents 1 & 2 : Mr.L.S.M.Hasan Fizal, G.A.

For Respondent-4 : Mr.D.Venkateswara Rao

O R D E R

The petitioner was appointed as Ticket Salesman in Arulmigu Vana Bara Kaliyamman Tirukoil Thekkampatti Metupalayam Coimbatore District in the year 2003 on daily wage of Rs.150/-. The Government of Tamilnadu taking note of the plight of employees employed in the temples, issued G.O.Ms.No.62 by Tourism, Culture and Endowment Department, dated 18.2.2015 whereby the Government decided to regularise the service of the said temporary employees. As per the aforesaid G.O., in the case of temples earning more than Rs.10 lakhs, pay shall be fixed in the time scale of pay of Rs.5200-125,900 + Grade Pay 2000 + P.P. 9. for the post of Ticket salesman (சீட்டு விற்பனையாளர்). The petitioner was served with the impugned order for regularization of service by the respondent. However, the respondent has fixed the salary in the scale of Pay of Rs.2600-7800 with Grade Pay of Rs.1150/- The petitioner further submits that though service of the petitioner was regularised, the 4th respondent has not paid salary in terms of the aforesaid G.O.Ms.No.62, dated 18.2.2015. It is further submitted that the petitioner also sent representation, dated 24.1.2017 which however did not evoke any positive response. Under these circumstances, the petitioner has filed the present writ petition for the aforesaid prayer.

2. The learned counsel appearing for the petitioner submits that in an identical case, Madurai Division Bench of this Court in W.P. (MD) No.1084 of 2019, by its order, dated 31.1.2019, took note of the undertaking given by the Commissioner in the aforesaid case to implement the G.O.Ms.No.62, dated 18.2.2015 referred to supra.

3. Recording the said submission, the Division Bench also passed the order which reads as under:

"8. In case the Committee constituted by the Government is of the view that further discussion is necessary with the Association, such discussion should be held as



6. The Government of Tamilnadu has issued a G.O.Ms.No.62, dated 18.2.2015. The Division bench of Madurai Bench also by its order, dated 31.1.2019 directed the respondents to implement the G.O.Ms.No.62, dated 18.2.2015 in a letter and spirit as stated above. In this case, the petitioner was admittedly appointed on daily wage basis as Ticket Salesman and also regularised in terms of G.O.Ms.No.62, dated 18.2.2015. However, the respondent has fixed lower payscale of Rs.2600-7800 with Grade Pay of Rs.1150/- to the petitioner. The impugned order, dated 10.2.2016 issued by the first respondent would clearly indicates that the petitioner was appointed as Ticket Salesman (சீட்டு விற்பனையாளர்). That being the case, the first respondent ought to have given the benefit of G.O.Ms.No.62, dated 18.2.2015 to the petitioner depending upon the income of the temple which is criteria for fixing the salary payable to the petitioner. It is noticed that the petitioner who is a handicapped person worked under daily wages for more than 5 years and his service was regularised with effect from 18.2.2015. It is also noticed that the Government of Tamilnadu issued G.O.Ms.No.111, Tourism, Culture and Endowments Department, dated 3.9.2020 wherein the post of Ticket Salesman have been merged with the category of Ticket Writer and there has been further increase in the salaries to be paid by the first respondent. Therefore, the first respondent is directed to regularise the service of the petitioner in terms of G.O.Ms.No.62, dated 18.2.2015 upto the date of issuance of G.O.Ms.No.114. The said exercise shall be carried out by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. The arrears payable to the petitioner shall be paid immediately without further delay.

Accordingly, the writ petition is allowed with the above observations. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Hindu Religious & Endowment Dept.,
No.119 Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious & Endowment Dept., Coimbatore 18.



3.The Assistant Commissioner,
Executive Officer, Arulmigu Vana Badra Kaliyamman Tirukoil,
Thekkampatti Metupalayam, Coimbatore District.

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4.The Hereditary Trustee,
Arulmigu Vana Badra Kaliyamman Tirukopil
Thenkkampatti, Metupalayam, Coimbatore District.

+lcc to Mr.K.R.Samratt, Advocate, S.R.No.49205
+lcc to M/s.Elizabeth Ravi, Advocate, S.R.No.49348
+lcc to the Government Pleader, S.R.No.49613

W.P.No.14069 of 2017

SS(CO)
CB(02/11/2021)