



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.11504 of 2021

WEB COPY

Sudar Rajan

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Chennai.

2.The Joint Commissioner,
HR & CE Department,
Tirunelveli District.

3.The Assistant Commissioner/Executive Officer,
A/m.Thirumalai Kumarasamy Temple,
Panmozhi,
Senkottai Taluk,
Tirunelveli District.

... Respondents

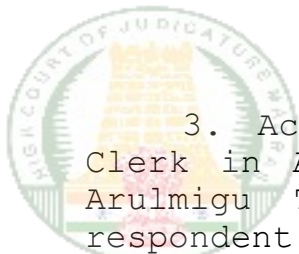
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to implement the benefit of 6th pay commission to the petitioner by considering the report of the second respondent in Na.Ka.No.3589/2015/A2, dated 23.04.2019 and disburse the arrears of the petitioner's pensionary benefits within a stipulated time to be fixed by this Court.

For Petitioner : Mr.T.Antony Arulraj
For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

The present writ petition has been filed for a direction to the first respondent to implement the benefit of 6th pay commission to the petitioner by considering the report of the second respondent in Na.Ka.No.3589/2015/A2, dated 23.04.2019 and disburse the arrears of the petitioner's pensionary benefits within a stipulated time to be fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.



3. According to the petitioner, he was appointed as Ticket Clerk in Arulmigu Mariamman Kovil. The said temple is a part of Arulmigu Thirumalai Kumarasamy Temple, Panmozhi, by the third respondent herein, vide proceeding in Na.Ka.No.263/1403, dated 25.08.1994. He reached the age of superannuation on 31.10.2019. Up to the year 2015, there was no difference in pay band among the temple staffs, who are working in the main temple as well as Arulmigu Mariamman Kovil. In the year 2015, the benefit of 6th pay commission was implemented. While so, the said benefit was not given to the petitioner. Therefore, he made a representation to the third respondent. Thereafter, the first respondent, vide proceedings in Na.Ka.No.14294/2015Z2, dated 24.08.2015, directed the respondents 2 & 3 to refix the pay band by implementing the 6th pay commission in favour of the petitioner and if there is any pay anomaly, it should be rectified and reported. Based on the same, the proceeding in Na.Ka.No.150/2017, dated 13.03.2019, was submitted to the second respondent by stating that there is a pay anomaly and the same was rectified with the calculation. The said calculation was forwarded by the second respondent to the first respondent, dated 23.04.2019. Though the reports of the respondents 2 & 3 were forwarded as early as in the year 2019, till date there is no further progress. Hence, the present writ petition.

4. The learned Government Advocate appearing for the respondents submitted that if the petitioner gives fresh representation, the same would be considered on merits within a period to be stipulated by this Court.

5. Considering the submission of the learned Government Advocate appearing for the respondents, without deciding the issue on merits in the writ petition, the petitioner is directed to give a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent is directed to consider the same in the light of the report of the second respondent in Na.Ka.No.3589/2015/Aa2, dated 23.04.2019, and pass appropriate orders and disburse the arrears of the petitioner's pensionary benefits, within a period of eight weeks thereafter.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar (CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

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Chennai.

2.The Joint Commissioner,
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3.The Assistant Commissioner/Executive Officer,
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Panmozhi,
Senkottai Taluk,
Tirunelveli District.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-22232[F] dated
13/07/2021)

+1 CC to M/s.SPL GP (SR-22290[F] dated 13/07/2021)

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MGJ(26.07.2021) 3P 6C