



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.15783 of 2021

M.Sankaran

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai - 34.

2.The Deputy Commissioner / Executive Officer,
Arulmigu Sankaranarayanawamy Thirukoil,
Sankarankovil,
Thenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the respondents to revise the petitioner's pension benefits and other anomalies retirement benefits like gratuity arrears, E.L. Surrender leave salary arrears etc., in the new pay scale on the basis of 7th pay commission along with interest at the rate of 6% per annum payable from the date of retirement i.e. 30.09.2019 on the basis of the petitioner's representation dated 16.06.2021 within the time stipulated by this Court and for other reliefs.

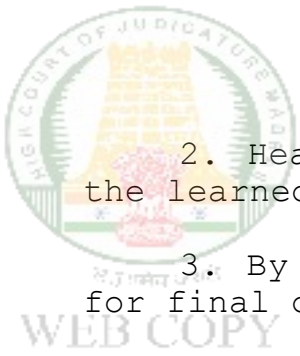
For Petitioner : Mr.P.Rajagopalan

For 1st Respondent : Mr. A.K.Manikkam
Counsel for State

For 2nd Respondent : Mr.V.R.Shanmuganathan
Standing counsel

O R D E R

This petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's pensionary benefits and other anomalies retirement benefits like Gratuity arrears, Earned Leave/ Surrender Leave salary arrears etc., in the new pay scale on the basis of 7th pay commission along with interest @ 6% per annum payable from the date of retirement i.e. 30.09.2019 on the basis of the petitioner's representation dated 16.06.2021 within the time stipulated by this Court.



2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

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

4. The petitioner was originally appointed on 25.03.1985 as Ulavaara Paniyalar and thereafter, he was promoted as Driver in the second respondent temple on 16.11.1986 and he retired from service on 30.09.2019, on attaining the age of superannuation after serving a long period of 35 years. He had been paid with the retirement benefits as per 6th Pay Commission. According to the petitioner, the 7th Pay Commission was implemented with retrospective effect from 01.01.2016, hence, the petitioner was eligible for fixation of pay scale as per 7th Pay Commission. But, the petitioner was not given the pay scale as per the 7th Pay Commission, which led to the payment of retirement benefits as per 6th Pay Commission only. Hence, the petitioner approached the second respondent on several occasions requesting to grant retirement benefits on par with the Government employees based on the 7th Pay Commission. It is further submitted that in pursuance of the Government Order vide in G.O.Ms.No.53, Tourism Culture and Religious Endowment Department dated 27.05.2019, the Commissioner of Hindu Religious and Charitable Endowments Department had issued a circular dated 13.01.2020, giving permission to disburse the Gratuity amount and interest to the employee, who had rendered services in respondent Department. In this regard, the petitioner sent representations dated 16.06.2021 and 14.07.2021 to the second respondent requesting to pay the salary and retirement benefits as per the 7th Pay Commission and a copy of the aforesaid representations were sent to the first respondent also. However, the said representations are still pending and no orders were passed till date. Therefore, the present Writ petition has been filed before this Court.

5. Mr. V. R. Shanmuganathan, learned Standing counsel appearing for the second respondent would submit that the aforesaid Government Order will not apply to the petitioner, however, the petitioner's representations would be duly considered by the authority concerned and appropriate orders will be passed in accordance with law.

6. Considering the submissions made by the learned counsel on either side and considering the limited prayer sought by the petitioner, this Court, without expressing any opinion on merits, directs the second respondent to consider the petitioner's representation dated 16.06.2021 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.



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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai - 34.
2. The Deputy Commissioner / Executive Officer,
Arulmigu Sankaranarayanawamy Thirukoil,
Sankarankovil,
Thenkasi District.

+1 CC to M/s.GP (SR-28181[F] dated 06/09/2021)

+1 CC to M/s.P.RAJAGOPALAN, Advocate (SR-28470[F] dated 07/09/2021)

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