



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

C O R A M

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W. P. (MD) No. 7213 of 2017

WEB COPY

S.Kailasam

... Petitioner

-vs-

1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Tiruchirappalli - 6.

3.The Executive Officer,
Arulmigu Muthumariamman Temple,
Somarasampettai,
Srirengam Taluk,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in Moo.Mu.No.33540/2015/H.3 dated 03.08.2016 on the file of the First Respondent and the consequential proceedings dated 24.10.2016 on the file of the Third Respondent and quash the same as arbitrary and without jurisdiction, to the extent of fixing of the scale of pay alone and further direct the Respondents 1 to 3 to fix time scale of pay in respect of the Petitioner as per Paragraph 4(III) (4) of the G.O.Ms.No.62, Tourism, Culture and Endowments Department, dated 18.02.2016 and pay the same with arrears and effectively from the date of regularisation of the Petitioner i.e., 18.02.2015, within a stipulated time.(Prayer amended vide court order dated 14.07.2021 in W.MP (MD).No.16028/2018)

For Petitioner	:	Mr. H.Lakshmi Shankar
For R1 and R2	:	Mr. D.Gandhiraj, Counsel on behalf of Government of Tamil Nadu
For R3	:	Mr. N.S.Karthikeyan, Standing Counsel

O R D E R
(through video conference)

Heard Mr. H. Lakshmi Shankar, Learned Counsel for the

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



Petitioner, Mr. D. Gandhiraj, Learned Counsel representing the First and Second Respondents and Mr. N.S.Karthikeyan, Learned Counsel appearing for the Third Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

WEB COPY

2. The Petitioner had made a claim before the Third Respondent for extending benefit of regularisation of service with time scale of pay conferred in paragraph 4(III) (4) of G.O.Ms.No.62, Tourism, Culture and Endowments Department, dated 18.02.2015 issued by the Government of Tamil Nadu. The Third Respondent by an order dated 24.10.2016 citing a decision of the First Respondent in his proceedings in Moo. Mu. No. 33540/2015/H.3 dated 03.08.2016 regularised the services of the Petitioner with effect from 18.02.2015 but fixed his remuneration on consolidated pay of Rs.1,000/- per month. Aggrieved by the denial of time scale of pay granted in G.O. Ms. No. 62, Tourism, Culture and Endowments Department, dated 18.02.2015, the Petitioner is prosecuting this Writ Petition seeking the said benefit.

3. It is accepted by the Learned Counsel for the parties that the First Respondent had informed the Division Bench of this Court as recorded in the order dated 31.01.2019 in W.P. (MD) No. 1084 of 2019 that all those who are eligible for the pay scale as per G.O. Ms. No. 62, Tourism, Culture and Endowments Department, dated 18.02.2015 would be extended those benefits and the First Respondent had been required to issue a circular by 15.02.2019 to the Executive Officers of all Temples to regularize the service of all the eligible employees and make payment of wages as per the scale of pay to them.

4. Having regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made, passes the following order:-

- (i) the Second Respondent shall immediately consider the claim of the Petitioner for extending the benefit of scale of pay granted in the said Government Order, if he is eligible for the same.
- (ii) if it is found that the Petitioner has not produced any details or supporting documents satisfying the eligibility criteria for the benefits claimed, the deficiencies in that regard shall be informed in writing to him and the Third Respondent requiring the same to be furnished within a time frame of not less than 10 working days;
- (iii) in the event of the Second Respondent not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording full opportunity of



personal hearing to the Petitioner and the Third Respondent to explain their position in that regard and the Second Respondent shall pass reasoned orders dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken to the concerned parties by 30.11.2021 under written acknowledgment;

- (iv) if the Petitioner is entitled to the claim made, it shall be ensured that the eligible amount is paid in four monthly installments from the date of passing of that order; and
- (vi) report of compliance in that regard shall be filed before the Registrar (Judicial) of this Court without fail.

5. The Writ Petition is disposed on the aforesaid terms. No costs.

Post the matter for reporting compliance on 06.10.2021.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM/sm/vjt

Note: (i) Issue order copy by 15.09.2021.

- (ii) 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 Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Chennai.
2. The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Tiruchirappalli - 6.



3.The Executive Officer,
Arulmigu Muthumariamman Temple,
Somarasampettai,
Srirengam Taluk,
Tiruchirappalli District.

WEB COPY

Copy to

1)The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

2)The Section Officer
Writ Posting,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-22716[F] dated
15/07/2021)

+1 CC to M/s.H.LAKSHMISHANKAR, Advocate (SR-23911[F] dated
26/07/2021)

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-24076[F] dated
27/07/2021)

W.P. (MD) No. 7213 of 2017
26.07.2021

NSN(CO)
SB(15.09.2021) 4P 9C