



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

WEB COPY

W.P. (MD)Nos.3641 and 2152 of 2016

and

W.M.P(MD) .Nos.17629 and 17631 of 2017

1.S.Sathiyar ... Petitioner in W.P(MD)No.3641 of 2016
2.M.N.Surendran Nair ... Petitioner in W.P(MD)No.2152 of 2016

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Department of Tamil Development,
Culture and Religious Endowment
Fort St. George,
Chennai-600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Nungambakkam High Road,
Chennai-600 034.

3.The Deputy Commissioner cum Executive Officer,
Incorporated & Unincorporated Devaswoms,
Suchindram,
Kanyakumari District. ... Respondents in both W.Ps

COOMMON Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to refix the scale of pay of the petitioner as Rs.2610-60-3150-65-3540 on par with the refixed scale of pay of the post of "Sirappu Kavalari" with the effect from 01.07.1997 along with monitory benefit and disburse the arrears of revised scale of pay with effect from 01.07.1997.

For Petitioners : M/s.S.Bharathi Kannan
(in both W.Ps)
For R1 & R2 : Mr.K.P.Narayanakumar
(in both W.Ps) Special Government Pleader

For R3 : Mr.K.Sathiya Singh
(in both W.Ps)



COMMON ORDER

These writ petitions have been filed for direction to the respondents 1 to 3 to refix the scale of pay of the petitioners as Rs.2610-60-3150-65-3540 on par with the refixed scale of pay of the post of "Sirappu Kavalakar" with the effect from 01.07.1997 along with monitory benefit and disburse the arrears of revised scale of pay with effect from 01.07.1997.

2.The case of the petitioners is that they were appointed as 'Kavalakar' in Arulmigu Radhakrishnan Temple and Valvachakottam Devaswom, Kanyakumari District, on 15.12.1986 and 03.07.1975 respectively. At the time of their appointment, their pay scale was fixed as Rs.70-4-110-5-160 and Rs.4/- was fixed as yearly increment. While so, on 10.06.1998, the Government of Tamil Nadu issued G.O (Ms).No.257, (Department of Tamil Development - Culture and Religious Endowments) and revised the scale of pay for the post of Kavalakar. As per the said G.O, the revised scale of pay should be given from the month of June 1998 and the arrears of the revised scale of pay should be paid with effect from 01.07.1997 in four installments. Pursuant to which, the petitioners' scale of pay was revised as Rs.600-30-900-35-1250- with effect from 01.08.2001, without following the G.O.Ms.No.257. Therefore, in order to avail the benefits under G.O.Ms.No.257, the petitioners have made representations on 11.02.2016 and 21.04.2011. So far the respondents have not taken any action on the petitioners' representations. Hence, these writ petitions.

3.The learned counsel appearing for the petitioners submitted that the very same issue came up for consideration before this Court in W.P(MD)No.7187 of 2006 and the said writ petition was allowed on 21.04.2011 with a direction to the respondents therein to grant benefits as per G.O.Ms.No.257 to the petitioner therein. Hence, the petitioners herein similarly placed persons are entitled to receive salary on par with other employees, as per G.O.Ms.No.257, 10.06.1998. Hence, he prays for allowing these writ petitions.

4.Heard the learned counsel appearing for the petitioners, the learned Special Government Pleader appearing for the first and second respondents and the learned counsel appearing for the third respondent and perused the materials available on record.

5.In view of the submissions made on either side, this Court direct the concerned respondents to consider the petitioners' representation dated 11.02.2016 and 21.04.2011 and extend the benefit of G.O.Ms.No.257, (Department of Tamil Development - Culture and Religious Endowments), dated 10.06.1998, and pass orders on merits and in accordance with law, if the said G.O is applicable to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.



6.With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Department of Tamil Development,
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Chennai-600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Nungambakkam High Road,
Chennai-600 034.

+2 CC to M/s.K.SATHIYA SINGH, Advocate (SR-13125[F],13126 dated
23/03/2021)

W.P. (MD)Nos.3641 and 2152 of 2016
and

W.M.P (MD) .Nos.17629 and 17631 of 2017
23.02.2021

TP (CO)

KB (23.04.2021) 3P 5C