



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.03.2021

CORAM:

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

W.P. (MD)No.8396 of 2016

and

W.M.P (MD) .No.17866 of 2017

P.Sundaresan

... Petitioner

Vs.

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

2.The Joint Commissioner cum Executive Officer,
Incorporated & Unincorporated Devaswoms,
Suchindrum,
Kanyakumari District.

... Respondents

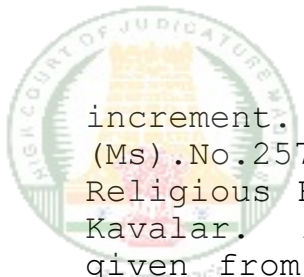
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to refix the scale of pay of the petitioner as Rs.2610-60-3150-65-3540 on par with the refixed scale of pay of the post of 'Sirappu Kavalar' with the effect from 01.07.1997 along with monetary benefit and disburse the arrears of revised scale of pay with effect from 01.07.1997.

For Petitioner	: M/s.S.Bharathi Kannan
For R1	: Mr.K.P.Narayanakumar Special Government Pleader
For R2	: Mr.K.Sathiyasingh, Standing Counsel

O R D E R

This writ petition has been filed by the petitioner, directing the respondents 1 and 2 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 Kavalar' with the effect from 01.07.1997 along with monetary benefit and disburse the arrears of revised scale of pay with effect from 01.07.1997.

2. The case of the petitioner is that he was appointed as 'Kavalar' in Mahadevar Temple, Thiruvarampu, Kanyakumari District, on 10.01.1995. At the time of his appointment, his pay scale was fixed as Rs.120-10-220-15-250 and Rs.10/- was fixed as yearly



increment. While so, on 10.06.1998, the first respondent issued G.O (Ms).No.257, (Department of Tamil Development - Culture and Religious Endowments) and revised the scale of pay for the post of Kavalar. 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 petitioner's scale of pay was revised as Rs.600-30-900-35-125- with effect from 01.08.2001, without following G.O.Ms.No.257. Therefore, in order to avail the benefits under G.O.Ms.No.257, the petitioner has made a representation on 10.05.2015 to the second respondent. Since there was no action on the said representation, he made another representation dated 03.02.2016. Till date, the respondents have not taken any action on the petitioner's representation. Hence, the present writ petition is filed for the aforesaid relief.

3. The learned counsel appearing for the petitioner 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 petitioner herein, similarly placed person, is entitled to receive salary on par with other employees, as per G.O.Ms.No.257, 10.06.1998. Hence, he prays for allowing the present writ petition.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first and the second respondents and the learned Standing 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 respondents to consider the petitioner's representation dated 12.02.2016 and extend the benefit of G.O.Ms.No.257, (Department of Tamil Development - Culture and Religious Endowments), dated 10.06.1998, and pass appropriate orders on merits and in accordance with law, if the said G.O is applicable to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

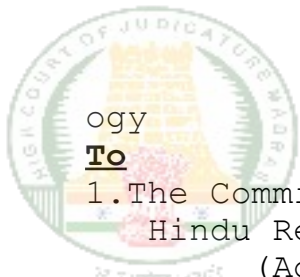
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



ogy

To

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

2.The Joint Commissioner cum Executive Officer,
Incorporated & Unincorporated Devaswoms,
Suchindrum,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-14837[F] dated 31/03/2021)

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-14851[F] dated
31/03/2021)

W.P. (MD)No.8396 of 2016
30.03.2021

RK (24.04.2021) 3P 5C