

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.15841 OF 2014

AND

M.P.NO.2 OF 2014

1.J.Krishnan

2.T.K.Venkatesan

3.S.Jagadeesan

4.V.Marappan

5.G.Ramasamy

...Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Tamil Development & Cultural Endowment Dept.,
Fort St.George, Chennai - 600009.

2.The Commissioner,
H.R.& C.E., Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

3.The Executive Officer, Joint Commissioner,
Arulmighu Subramaniasamy Thiru Koil,
Tiruttani.

...Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent culminating in the order dated 16.10.2007 made in Na.Ka.No.3733/2006/C-2, quash the same and consequently direct the 3rd respondent re-fix the Scale of Pay for which the petitioners are entitled to as per G.O.(Ms) No.429 dated 17.12.2008 and disburse the benefits with interest at the rate of 24% per annum.

For Petitioners : Mrs.S.Krithika
for Mr.B.Sivaraman

For Respondent : Mr.S.Yashwanth
Nos.1& 2 Additional Government Pleader
(H.R.& C.E)

For Respondent : Mr.J.Ram
No.3

O R D E R

The order dated 16.10.2007 issued by the third respondent rejecting the claim of the writ petitioners for revision of scale of pay is under challenge in the present writ petition.

2.The petitioners were the employees of the third respondent temple, namely, Arulmighu Subramaniasamy Thirukoil, Tiruttani. The petitioners were appointed as attenders and they have retired in April 2003, December 2001, February 2006, October 2002 and 30.04.2000 respectively.

3.The learned counsel appearing on behalf of the writ petitioners contended that the petitioners have served not less than 25 years and some petitioners had completed nearly about 35 years of service and retired. The pay revision for attenders was issued by the Government in G.O.Ms.No.429 Tamil Development & Religious Endowments Information Department dated 17.12.2008. The petitioners state that the benefit of revised scale of pay was given with effect from 01.07.1997 as per G.O.Ms.No.141 dated 21.05.2004 and accordingly the petitioners are also entitled for the revision of scale of pay and for all consequential benefits.

4.The learned counsel for the third respondent temple objected the said submission made by the writ petitioners by stating that the third respondent temple is a listed temple notified under Section 46(iii) of the Tamil Nadu Hindu Religious and Charitable Endowments Act and is being administered by the Executive Officer in the cadre of Joint Commissioner appointed by the Government of Tamil Nadu. The writ petitioners have filed the petition after a lapse of about 7 years from the date of the impugned order, which was passed on 16.10.2007. Thus, the writ petition is liable to be rejected on the ground of delay. It is further contended that the writ petitioners had reached the age of superannuation several years back from the date of filing of the writ petition and thus, refixation of scale of pay at this length of time cannot be considered. That apart, the third respondent states that as per the order of the Commissioner, HR and CE, dated 22.09.2007, the petitioners had not possessed the requisite qualification for the post and therefore, the pay revision as sought for by the writ petitioners cannot be granted.

5.This Court is of the considered opinion that beyond the reason that the writ petitioners had not possessed the requisite qualification as per the Government Order during the relevant point of time, the fact remains that the impugned order was passed on 16.10.2007 and the writ petitioners reached the age of superannuation and retired from service long back, more specifically, during the years 2000, 2001, 2002, 2003 and 2006 respectively. In view of the fact that the petitioners have slept over their grievances for several years, now, after a lapse of many years, the relief for revision of pay cannot be granted and furthermore, the respondents have stated that the writ petitioners did not possess the requisite qualification for revision of pay as per the Government Order during the relevant point of time.

6.For all the reasons stated above and on the ground of laches, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

sli/sms

To

- 1.The Secretary,
The Government of Tamil Nadu,
Tamil Development & Cultural Endowment Dept.,
Fort St.George, Chennai - 600009.
- 2.The Commissioner,
H.R.& C.E., Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
- 3.The Executive Officer, Joint Commissioner,
Arulmighu Subramaniasamy Thiru Koil,
Tiruttani.

+1cc to Mr.B.Sivaraman, Advocate Sr.No.36414
+1cc to Mr.P.Gopalan, Advocate Sr.No.36533
+1cc to the Special Government Pleader (HR & CE) Sr.No.36796

W.P.No.15841 of 2014 and
M.P.No.2 of 2014

GSM(CO)
RVM(12/07/2022)