



WP(MD)Nos.5736 & 5741 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)Nos.5736 & 5741 of 2021

and

W.M.P.(MD)Nos.4523 & 4527 of 2021

M.Selvanayagan
P.Senthilkumar

...Petitioner in WP(MD)No.5736 of 2021
...Petitioner in WP(MD)No.5741 of 2021

/vs./

1.The Principal Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Secretariat, Fort St. George,
Chennai – 600 038.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Chennai – 38.

3.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani – 624 601,
Dindigul District.

...Respondents in both Wps



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PRAYER in W.P.(MD)No.5736 of 2021: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in O.Mu.No. 63997/2019/II dated 17.02.2021 and quash the same and consequently direct the second respondent herein to grant necessary permission to the third respondent temple for increasing the scale of pay of the writ petitioner (Pharmacist) from Rs. 5,200 – 15,900 and Grade Pay Rs.2,400/- to Rs.9,300-34,800 and Grade Pay Rs. 4,200/- by extending the benefits of G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.296, Finance (Pay Cell) Department, dated 26.08.2010 on par with other Chief Pharmacists and Pharmacist serving under Tamil Nadu Government.

PRAYER in W.P.(MD)No.5741 of 2021: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the proceedings of the second respondent in O.Mu.No.63997/2019/II dated 17.02.2021 and quash the same and consequently direct the second respondent herein to grant necessary permission to the third respondent temple for increasing the scale of pay of the writ petitioner (Pharmacist) from Rs.5,200 – 15,900 and Grade Pay Rs.2,400/- to Rs.9,300-34,800 and Grade Pay Rs.4,200/- by extending the benefits of G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.296, Finance (Pay Cell) Department, dated 26.08.2010 on par with other Chief Pharmacists and Pharmacist serving under Tamil Nadu Government.



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For Petitioners : Mr.Aswin Rajasimman
for M/s.T.Lajapathi Roy (in both WPs)
For Respondents : Mr.M.Lingadurai (in both WPs)
Special Government Pleader

COMMON ORDER

The claim for rectification of the pay anomaly of the petitioners herein in comparison with their juniors has been rejected, through the impugned order, dated 17.02.2021, by referring to G.O.Ms.No.91, Tourism, Culture and Religious Endowments Department, dated 28.06.2019.

2.Under the aforesaid GO, every temple is treated as a separate legal entity and therefore, based on the proposal to be received from such a temple, the authorities are required to follow the procedure contemplated in that Government Order for the purpose of rectification of the anomaly, as per the temple's proposal.

3.In the instant cases, the second respondent herein had rejected the proposal of the temple, dated 17.12.2021, without assigning any reasons, but with a mere reference to the aforesaid GO. As such, the order itself could be said to be



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a non-speaking order. Though the petitioners herein had raised several grounds touching upon the merits of the claim made by them for rectification of the pay anomaly, this Court consciously refrains from addressing them, since the matter is being remanded back to the second respondent for re-consideration.

4. On the ground that the impugned order is a non-speaking order, the same is set aside and the matter is remanded back to the second respondent for fresh consideration. The second respondent, shall consider the proposal of the Executive Officer, dated 07.12.2020, in the light of G.O.Ms.No.91, Tourism, Culture and Religious Endowments Department, dated 28.06.2019 and pass final orders, atleast, within a period of three (3) months from the date of receipt of a copy of this order. These Writ Petitions stand ordered accordingly. Consequently, connected Miscellaneous Petitions are closed.

28.07.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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Order made in
W.P.(MD)Nos.5736 & 5741 of 2021

Dated:
28.07.2022