



W.P.(MD)No.14610 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.14610 of 2014

- 1.S.Murugan
- 2.R.Karuppan
- 3.P.Raju
- 4.K.Chinnan
- 5.Aarayee
- 6.T.Pappathi
- 7.K.Subramanian
- 8.R.Palanisamy
- 9.Krishnan @ Kitan
- 10.Karuppusamy

... Petitioners

vs.

- 1.The Secretary to Government,
HR and CE Department,
Fort St. George,
Chennai-9.
- 2.The Commissioner,
HR and CE Department,
119, Uthamar Gandhi Street,
Nungambakam,
Chennai-34.



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3.The Joint Commissioner,
Arulmigu Thandayuthapani Thiru Kovil,
Palani, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to G.O.Ms.No.93, dated 12.06.2014, on the file of the 1st respondent herein and to quash the same consequently, to direct the respondents to fix the salary as per G.O.Ms.No.257, dated 10.06.1998 ant to pay the arrears with accrued interest.

For Petitioners : Mr.S.Karthik
For R1 & 2 : Mr.N.Ramesh Arumugam
Government Advocate
For R3 : Mr.Murali
for Mr.K.Govindarajan

ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the impugned G.O.Ms.No.93, dated 12.06.2014 and consequently to direct the respondents to fix the salary as per G.O.Ms.No.257, dated 10.06.1998 and to pay the arrears with accrued interest.



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2. The contention of the petitioners is that they joined as Thotti in the 3rd respondent temple on various dates. The 1st respondent issued G.O.Ms.No.257, dated 10.06.1998, directing the respondents 2 and 3 to fix the salary to the temple workers. The workers were divided into two categories, namely, Grade I temple workers and Grade II temple workers. The petitioners were working under the 3rd respondent temple, which is classified as Grade I temple workers. In G.O.Ms.No. 257 under annex 6 entry 6 of annexure (1), the salary was fixed as Rs. 2610-60-3150-45, for the Thottis along with other similar categories. The scale of pay was given in two categories, one is selection grade 3200-85-4900 and the other is special grade 4000-100-6000. The respondents 2 and 3 did not follow the scale of pay as fixed in G.O.Ms.No.257, but had followed the earlier pay of consolidated pay of Rs.3,050/- from the year 1997 to 2006. The increment which came under the 5th pay commission was not paid to the petitioners who were working for more than 27 years.



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Government by letter, dated 10.11.1998, issued orders to pay the ordinary grade scale of pay of Rs.2610-60-3150-65-3540 in tune with the servants in the Government service.

5. Further the temple employees are not considered as Government employees. The temple administration is paying the salary as per the Government guidelines issued to the temples. The petitioners are receiving temple servants pension scheme and are receiving the consolidated pension as fixed by the Government. The petitioners approached this Court earlier by filing W.P.(MD)No. 744 of 2013 to consider the claim for revision of pay and this Court directed the respondents therein to consider and pass orders. Thereafter, the Government after considering the issue on merits had passed the impugned Government order G.O.Ms.No.93, dated 12.06.2014. Hence, the respondents submitted that the order of the 1st respondent is legally sustainable and prayed to dismiss the writ petition.



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6. Heard Mr.S.Karthik, learned Counsel appearing for the petitioners, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for respondents 1 and 2 and Mr.Murali, learned Counsel appearing for 3rd respondent and perused the records.

7. The learned Counsel appearing for the 3rd respondent submitted that the Government had issued G.O.Ms.No.257, dated 10.06.1998, thereafter, certain discrepancies were pointed out. Hence, the Government directed the 3rd respondent to pay the salary as stated in the Government letter, dated 10.11.1998 and the relevant portion of the letter is extracted here under:

“அரசுக் கடிதம் எண்.13850/அநி4-1/98, தமிழ்வுளர்ச்சி, அறநிலையம் மற்றும் செய்தித் துறை நாள் 10.11.1998-ன்படி மேற்கண்ட மூன்று சம்பள ஏற்ற முறைகளுக்கு மட்டும் கீழ்க்கண்டவாறு திருத்திய சம்பள ஏற்ற முறை நிர்ணயித்து ஆணையிடப்பட்டுள்ளது என்றும் தெரிவித்துள்ளார்.

வ.எண்	சம்பள ஏற்ற முறை	தேர்வுநிலை	சிறப்புநிலை
1.	ரூ.3200-85-4900	ரூ.4000-100-6000	ரூ.4300-100-6000
2.	ரூ.2610-60-3150-65-3540	ரூ.2750-70-3800-75-4400	ரூ.3050-75-3250-80-4590
3.	ரூ.2550-55-2660-60-3200	ரூ.2610-60-3150-65-3540	ரூ.2750-70-3800-75-4400”



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8. Admittedly in G.O.Ms.No.257, dated 10.06.1998, the following slab was introduced:

வ.எண்	சம்பள ஏற்ற முறை	தேர்வுநிலை	சிறப்புநிலை
1.	ரூ.3200-85-4900	ரூ.4000-100-6000	ரூ.5000-150-7000
2.	ரூ.2610-60-3150-65-3540	ரூ.3200-85-4900	ரூ.4000-100-600
3.	ரூ.2550-55-2660-60-3200	ரூ.2610-60-3150-65-3540	ரூ.3200-85-4900

Subsequently, in the aforesaid Government letter, the tabulation was granted. The discrepancy in the above two tabulations is that while granting the ordinary time scale of pay, G.O.Ms.No.257, dated 10.06.1998, has fixed the salary that would be granted to the Government servants. However, in the selection grade and special grade fixation, there was a steep rise in the basic salary which was brought to the knowledge of the Government. Thereafter, the Government has issued the subsequent tabulation in which the special grade and selection grade was fixed in appropriate scale of pay from the date of issuance of the said Government letter. Subsequent tabulation is followed throughout Tamil Nadu. However, there was repeated representations by the employees and they had filed



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W.P.(MD)No.744 of 2013, wherein this Court directed to consider and pass orders. After considering the claim of the petitioners, the present impugned G.O.Ms.No.93, dated 12.06.2014, was passed and the reason for refixing has also been stated in the Government order.

9. On perusal of the said G.O., the Government has clearly stated that there was discrepancy and it was rectified through the Government letter. The respondents were directed to refix the salary as per the Government letter and that was confirmed in G.O.Ms.No.93, dated 12.06.2014. As rightly pointed out by the respondents, Temple employees cannot be considered as government employees. Even the Municipal employees, Board employees and Corporation employees cannot be considered as Government employees. Therefore, the petitioners are not entitled to claim any salary fixation on par with Government employees. Hence, the claim of the petitioners cannot be considered. Moreover, the petitioners are all retired employees.



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10. Hence, this Court is not inclined to entertain this writ petition. This Court also refrains from interfering with the policy decision of the Government. The petitioners have not raised legal grounds to entertain this writ petition. Hence, the writ petition is dismissed. No costs.

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Internet : Yes

(1/2)

Tmg

To

1.The Secretary to Government,
HR and CE Department,
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2.The Commissioner,
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S.SRIMATHY, J

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