



W.P.(MD)No.20162 of 2016

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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.20162 of 2016

N.Ravindran

... Petitioner

vs.

1.The State of Tamilnadu,

represented 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 Endowment,
(Administration) Department,
Nungambakam High Road,
Chennai-600 034.

3.The Joint Commissioner cum Executive Officer,

Incorporated and Unincorporated Devaswoms,
Suchindram, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the 3rd respondent proceedings in Na.Ka.No.279/2016/A2, dated 21.03.2016 and to quash the same and further, to direct the respondents to refix the scale of pay of the post of Sirappu Kavalal 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	: Mr.H.Velavadhas
For R1 & 2	: Mr.N.Ramesh Arumugam Government Advocate
For R3	: Mr.M.Saravanan

ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the records pertaining to the 3rd respondent proceedings in Na.Ka.No.279/2016/A2, dated 21.03.2016 and further, to direct the respondents to refix the scale of pay of the post of Sirappu Kavalal 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.



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2. The petitioner was working as Kavalar (Watchman) from 10.11.1984 in Arulmighu Palakuzhi Sri Dharmasastha, Manakkarai, Kanyakumari District. At the time of appointment, the petitioner was fixed with a scale of pay as Rs. 70-4-110-5-160 and Rs.4/- was fixed as early increment along with basic pay the petitioner received the other allowances such as Dearness Allowance, House Rent allowance, Medical allowance and interim relief. The 1st respondent issued G.O.Ms.No.257 Department of Tamil Development Culture and Religious Endowment dated 10.06.1998 and revised the scale of pay for the post of "Kavalar" who are working in 'Mudhunilal Thirukoll as Rs.2610-60-3150-65-3540. As per this G.O., the scale of pay for the post of 'Kavalar' who are working in 'Mudhunilai Allatha Thirukoil' (which gets above Rs.5 Lakh/- annual income) has been revised as Rs.1600-50-2300- 60-2660 and the scale of pay for the post of "Kavalar", who are working in 'Mudhunilai Thirukoil' (which gets above Rs.1 Lakh/- and below Rs.5 Lakh/- annual income) has been revised as Rs. 1350-30-1440-40-1800-50-2200.



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3.The contention of the petitioner is that 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. The scale of pay for the post of 'Kavalar' who are working under the Travancore Devaswom Board has been revised as Rs.2610-60-3150-65-3540-70-3680 by the Travancore Devaswom Board in [R.O.C.No.1000/98/Est.1 Trivandrum 3](#), dated 01.03.1999, with effect from 01.03.1997. But on 14.08.2001, the petitioner's scale of pay has been revised as Rs.600-30-900-35-1250 with effect from 01.08.2001 by the 1st respondent herein vide Government Letter No.173, dated 14.08.2001. The respondents 1 and 2 herein wrongly fixed the petitioner's scale of pay without following G.O.Ms.No.257 (Department Religious Endowment), dated 10.09.1998 and also not followed the Order issued by the Travancore Devaswom Board in [R.O.C.No.1000/98 Est. 1 Trivandrum 3](#), dated 01.03.1999. Due to the wrong fixation of the petitioner's revised scale of pay, the petitioner is receiving lesser pay. Therefore, the petitioner sent so many detailed representations to the respondents 1 to 3 herein but the same was rejected by the 3rd respondent.



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H.R. and C.E. Act. Three types of employees are appointed in the Incorporated and Unincorporated Devaswoms for the management and administration of the said 490 temples. They are (i) Government Servants, (ii) Senior Category Employees and (iii) Contingent Employees. Out of 490 temples, 5 temples are financially sound temples and other temples have meager income. Hence a sum of Rs.3 Crores/- has been paid as Government grant every year to meet out the administrative expenses of the said temples. All the contingent employees of the Incorporated and Unincorporated Devaswoms are employed as per the specified scale of pay, which has been fixed by the Commissioner based on the approval of State Government through a separate Government order.

6. As stipulated in the above Government orders, the expenditure incurred by way of salary of employees should not exceed 25% of the total income of temples. As per the order of Commissioner, H.R. and C.E., Chennai, the salary of 958 contingent employees have been fixed as per the order in Na.Ka.71141/92, dated 01.04.1993. The petitioner was appointed in the vacant post of contingent



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10.11.1994. As per G.O.Ms.No.173, dated 14.08.2001, the salary for contingent employees was revised as Rs 600-30-900-35-1250. The State Government issued G.O.Ms.No.257, dated 10.06.1998, revising the salary and other allowances of the employees working under other public temples where the salary was fixed as per G.O.Ms.No.321, dated 29.05.1990 from 01.01.1990 onwards. These G.O.'s are not applicable to the contingent employees, since they are not governed by G.O.Ms.No.173, dated 14.08.2001.

7.The Incorporated and Unincorporated Devaswoms also wanted to increase the salary of the contingency workers and as per the recommendation letter, dated 25.11.2010 and that recommendation was accepted by the Commissioner on certain condition stating that revision shall be with effect 01.10.2010 and the total payment of salary to employees should not exceed 25% of the total income. On approval, the salary of contingent workers was revised as Rs.700-3000 with effect from 01.10.2010. The petitioner is very well aware that the petitioner is working in a temporary post as contingent employee and was



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appointed by the temple management. Having accepted the job based on the above conditions, now, the petitioner cannot equate himself with other employees and claim benefits under G.O.Ms.No.257, dated 10.06.1998. The respondents further contended that the scale of pay fixed by the Travancore Devaswom Board is not applicable to the 3rd respondent temple, since the 3rd respondent is bound by specific Government orders issued by the Government of Tamil Nadu.

8. The allegation in the petitioner's affidavit that P.Radhakrishnan, Ramesh Kumaran and Muthamilselvan were granted revised scale of pay as per G.O.Ms.No.257, dated 10.06.1998. It was considered by the 2nd respondent and the same was already withdrawn through order, dated 07.10.2016. Therefore, the petitioner cannot claim over and above what has been sanctioned for the contingent employees and hence, the respondents prayed to dismiss the writ petition.



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9. Heard Mr.H.Velavadhas, learned Counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for respondents 1 and 2 and Mr.M.Saravanan, learned Counsel appearing for 3rd respondent and perused the records.

10. The learned Counsel appearing for the petitioner submitted that this Court has passed an order in a similar case in W.P.(MD)Nos.21703 and 21704 of 2016, vide order, dated 26.02.2021, wherein this Court has directed the respondents therein to consider and pass orders within a period of twelve weeks. The learned Counsels appearing for the respondents submitted that the said order referred by the petitioner was already considered by the authorities and an order, dated 15.06.2021, was passed rejecting the claim. On perusing the said order dated 15.06.2021, it is seen that the respondents have taken note of the representation dated 21.10.2016 of the petitioner who had filed the W.P.(MD)No. 21703 of 2016. Thereafter, the respondents have rejected the claim of the petitioner therein. Therefore, this Court is of the considered opinion that the order



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passed by this Court is only to consider and pass orders and the same cannot be relied on, since subsequently, the respondents have rejected the claim of the petitioner therein on merits. Therefore, this Court is proceeding further to consider the claim of the petitioner herein on merits.

11. The petitioner was appointed as contingent employee. The respondents have submitted that there are three kinds of employees working in the temple administration. The petitioner was a contingent employee. The Government has issued circulars and notifications directing the temple administration to fix the salary so that the salary will not exceed 25% of the total income of the temple. The petitioner was paid based on the said circulars.

12. Therefore, this Court is of the considered opinion that this comes under the purview of policy decision of the Government as well as the temple administration. The temple employees cannot be considered as Government employees. Therefore, the petitioner has not raised any legally sustainable



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grounds. Hence, the writ petition is dismissed. No costs.

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Internet : Yes

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To

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Department of Tamil Development,
Culture and Religious Endowment,
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- 2.The Commissioner,
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S.SRIMATHY, J

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