



W.P.No.13122 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13122 of 2018
and
W.M.P.No.15421 of 2018

S.P.S.Nathan @ Amrutheswaranathan ... Petitioner
Vs.

1. The District Collector and
Special Officer,
Sri Dharbaraneswar Swami Devasthanam,
Thirunallar,
Karaikal District,
Puducherry State.

2. The Executive Officer,
Sri Dharbaraneswar Swami Devasthanam,
Thirunallar,

Karikal District,

Puducherry State.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, forbearing the respondents their men,
officials, subordinates or anyone acting or under them from granting /



W.P.No.13122 of 2018

disbursing any bonus/increments to its employees except for Diwali Festival.

For Petitioner : Mrs.J.Malathi
for Mr.R.Kamaraj

For Respondents : Dr.B.Ramasamy,
Additional Government Pleader (Puducherry)

ORDER

This petition has been filed to forbear the respondents, their men, officials, subordinates or anyone acting or under them from granting / disbursing any bonus/increments to its employees except for Diwali Festival.

2.It is the case of the petitioner that the 2nd respondent/Temple was belonging to our family as Karavazhi Sevakars. At present, the above Temple is completely under the control and management of the respondents. The income and the other Hundi collections are taken by the 2nd respondent Temple. The 2nd respondent/ Temple comes under the control of Puducherry Government, however, as hereditary trustee, the petitioner has all rights and duties over the Temple. Further, several festivals have been conducted in the temple every year. During that period, several lakhs of people from all over India will be participated. The revenue for the respondent temple is



W.P.No.13122 of 2018

mainly from the Hundi collections. The Hundi collection spent for the maintenance of the above temple. The respondent temple is granting incentives and bonus to its workers during Diwali festival period only from the income of the temple. Apart from that, during the "Sani Peyartchi" festival, Pongal festival and also the car festival, the respondents are granting bonus to its workers from the revenue of the Temple. Because of granting three bonuses / increments for every year, a sum of Rs.1,50,00,000/- has been spent. The 50% of the revenue of the temple is being spent for the grant of bonus to its workers. Because of the same, no improvement has been done for the welfare of the temple and no development activities have been done so far.

3.The learned counsel for the petitioner would submit that there is no specific provision in the HR &CE Act to grant bonus for three times every year to the temple workers. Therefore, the respondents are duty bound to act only as per the Rules and Regulations. However, the respondents are not bothered about the same and simply granting bonus by spending more than



W.P.No.13122 of 2018

50% of the income of the temple for granting unnecessary bonus to the temple workers. Further, he would submit that even for the car festival conducted in May 2018, the respondents are going to grant bonus/increment. Therefore, on 18.05.2018, the petitioner sent a representation to the respondents not to grant bonus to its workers for the car festival season conducted in May 2018. But, the respondents did not consider the same till date. Hence, this Writ Petition.

4.The learned Additional Government Pleader (Puducherry) for the respondents would submit that the 2nd respondent temple is regulated by the Government of Puducherry and passed G.O.Ms.No.486/CHR/T.2/(vol IV)/2019/54B dated 07.08.2019 for rationalization of organization structure, restructuring of posts, standardization and revision of pay structures and allowances and recruitment benefits, etc., for the temple of the 2nd respondent.

5.On a perusal of the documents, it is seen that in the said G.O. dated 07.08.2019, Part – E - Honorarium / Incentives / Bonus for the temple



W.P.No.13122 of 2018

workers are as follows:

1. Honorarium / Remuneration for Additional Charge Posts:

The Honor remuneration for Govt. Officers/Staff holding additional charge shall be paid at the rate of Rs. 1,000 p.m.

2. Adhoc Bonus (Thirukkai - vazhakkam): Adhoc bonus to the all categories SDSD employers on the occasion of Deepavali festival at the current rates shall be granted. The current rate is one month pay plus Dearness allowances.

3. Incentives on special occasions: The SDSD shall continue rationalized and modified criteria for the grant of incentive in revised pay structure also. In the revised pay structure the Basic Pay alone shall be taken into account for calculation of incentive subject to a maximum of Rs.15,000/- (Basic Pay Grade Pay only)

6.In view of the same, the question raised by the petitioner that the 2nd respondent temple is spending more than 50% of the income for granting bonus to the temple workers and the petitioner has not supported his claim on any documents to prove the same. According to the G.O., Honorarium /



W.P.No.13122 of 2018

Incentives / Bonus for the temple workers has been regulated by the Government. Hence, the respondents are directed to follow the Government Order in this regard.

Accordingly, this Writ Petition is disposed of. No costs.
Consequently, connected Miscellaneous Petition is closed.

17.11.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

1. The District Collector and
Special Officer,
Sri Dharbaraneswar Swami Devasthanam ,
Thirunallar,
Karaikal District,
Puducherry State.
2. The Executive Officer,
Sri Dharbaraneswar Swami Devasthanam,
Thirunallar, Karaikal District, Puducherry State.



WEB COPY



W.P.No.13122 of 2018

V.BHAVANI SUBBAROYAN, J,

mps



WEB COPY



W.P.No.13122 of 2018

W.P.No.13122 of 2018
and
W.M.P.No.15421 of 2018

17.11.2023