



W.P.No.35427 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.35427 of 2012

1. L.Janarthanan (died)
2. Jaggaiah
3. K.Sathya Keerthi
4. K.R.Prasad
5. M.Kesavelu
6. J. Maheswari
7. J. Logesh

(P6 and P7 are LR's of the deceased 1st petitioner vide Court order dated 13.11.2018 made in W.M.P.No.24214 of 2018.)

...Petitioners

vs.

1. The Commissioner,
H.R.& C.E., Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 006

2. The Joint Commissioner / Executive Officer,
Arulmighu Subramaniasamy Thiru Koil,
Tiruttani Hills,
Tiruvallur District,



W.P.No.35427 of 2012

Pin : 631 209

... Respondents

WEB COPY

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents (1)& (2)herein to revise the scale of pay with reference to the post to which the petitioners are functioning as per G.O.(Ms).No.257 Tamil Development Religious Endowments & Information (AN-4-1) Department dated 30.06.2010 and G.O.(Ms).No.183 Tamil Development Religious Endowments & Information (AN-4-1) Department dated 29.08.2011 and disburse the arrears of pay with effect from 01.07.2008 with interest at the rate of 24% per annum within a time frame to be fixed by this Court.

For Petitioners : Ms.G.Thilakavathi

Senior Counsel

For Respondents : Ms.S.Ravichandran

Additional Government Pleader (HR & CE) for R1

: Ms.P.Gopalan for R2

ORDER

The petitioners herein have filed this writ of mandamus directing the first and second respondents to revise the scale of pay with reference to the post to which the petitioners are functioning as per G.O.(Ms) No.257 Tamil Development Religious Endowments and Information (AN-4-1) Department dated 30.06.2010 and G.O.(Ms).No.183 Tamil Development



W.P.No.35427 of 2012

Religious Endowment & Information (AN-4-1) Department dated 29.08.2011, and to disburse the arrears of pay with effect from 01.07.2008 with interest at the rate of 24% per annum.

2. The 1st petitioner died and his legal heirs, the 6th and 7th petitioners have been brought on record.

3. Ms.G.Thilakavathi, learned Senior Counsel for the petitioners would submit that the petitioner Nos.1 to 3 have been appointed in the year 1978 to 1981 and the petitioner Nos.4 and 5 have been appointed in the year 2007. They are traditional Instrument Players and Barbers by profession in the second respondent Temple namely Sri.Subramaniasamy Temple, Tiruttani and traditionally, the male member of the family carries on the tradition to play the musical instruments or function as Barber under the Temple.

4. The learned Senior Counsel would further submit that they were paid on a regular time scale under the scheme of the Temple administration applicable to the Mirasi, Piper and Barber categories. They were also paid a percentage of Mudi ticket collections, for the piping services, which are



W.P.No.35427 of 2012

done by them in the Temples on all days including festival days, as per Section 63 (e) of the Hindu Religious and Charitable Endowments Act. Thereafter, the modified terms and arrangements entered into between the Temple administration and the Mirasi, Pipers dated 18.07.1963.

5. It is further submitted that the petitioners have been placed on regular time scale of pay applicable to the post held by them and they have given the representation as per the service details. They are entitled for higher scale of pay in terms of the Government Order as per G.O.(MISC.) No.406 Tamil Development, HR & CE and Information Department dated 21.11.2007, which has been made applicable to all the Temples by the proceedings of the first respondent in Na.Ka.No.20288/08/I.1 dated 13.05.2008.

6. The learned counsel for the petitioners would further submit that after implementation of the pay commission recommendations, the scale of pay applicable to the various Temple employees as per the recommendation of the committee appointed brought into implementation vide G.O.(MISC.) No.257, Tamil Development (H.R. & C.E.) and Information Department dated 30.06.2010, wherein the pay structure is



W.P.No.35427 of 2012

proportionately modified in G.O.(Ms).No.183, Tamil Development, H.R & C.E. and Information (H.R. & C.E.4-1) Department dated 29.08.2011. The pay scale from Rs.1750-50-2300-55-2050 to Rs.2800-8400 vide G.O.(Ms) No.183 dated 29.08.2011.

7. Heard Ms.G.Thilakavathi, learned senior counsel appearing for the petitioners, Mr.S.Ravichandran, learned Additional Government Pleader for the 1st respondent and Mr.P.Gopalan, learned counsel for the second respondent.

8. It is relevant to cull out the portion of the counter, which is extracted hereunder:

“With regard to implementation of the report of the VI Pay Commission, though order was passed by the Government of Tamil Nadu in G.O.(Misc.) No.257, Tamil Development Religious, Endowment and Information Department dated 30.06.2010, due to some anomaly in the G.O. aforesaid revised G.O.Ms.No.183 dated 29.08.2011 has been passed by the Government of Tamil Nadu in respect of Temple employees for fixation of pay as per the VI Pay Commission report.”



W.P.No.35427 of 2012

9. As per G.O.Ms.No.183 dated 29.08.2011, the employees of the Temple coming under the Tamil Development Religious Endowment and Information Department, would apply for the employees of the Temples coming under the control of the Hindu Religious and Charitable Endowments (HR & CE). As the petitioners are the employees of the HR and CE Temple who were working as Instrumental Players and Barbers, as per the Sl.No.14 of the G.O. dated 29.08.2011, their pay has to be modified.

10. Based on the above said discussions, this writ petition stands allowed.

i) The petitioners to give their representation afresh within two weeks from the date of receipt of copy of this Order.

ii) On receipt of such application, the respondents shall dispose of them within eight weeks from the date of receipt of representation of the petitioners. No costs.

20.06.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

Page No.6/8



W.P.No.35427 of 2012

R.KALAIMATHI, J.

mac

To

1. The Commissioner,
H.R. & C.E.,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 006

2. The Joint Commissioner / Executive Officer,
Arulmighu Subramaniasamy Thiru Koil,
Tiruttani Hills,
Tiruvallur District,
Pin : 631 209

W.P.No.35427 of 2012



WEB COPY



W.P.No.35427 of 2012

20.06.2024