



W.P(MD)No.3627 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.3627 of 2022
and
W.M.P(MD)No.3158 of 2022

Bagavathi

... Petitioner

Vs.

1.The Secretary to Government,
Tamil Nadu Tourism, Culture and
Religious Endowments Department,
Chennai.

2.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai.

3.The Joint Commissioner /
Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai – 625 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the third
respondent to draw a panel for promotion for the year 2021-2022 on



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obtaining necessary clarification from the second respondent in respect of the mode to be adopted for promoting the petitioner from the post of “MANIAM” taking into consideration the petitioner's qualification acquired in the year 2016, in consonance with G.O(Ms)No.114, Tourism, Culture and Religious Endowments Department dated 04.09.2020 and to fix the scale of pay as Rs.5,200-Rs.20,200/- and basic pay as Rs.2,000/- calculated from the date of joining service i.e., 14.01.2008.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R.1 & R.2

Mr.VR.Shanmuganathan
Standing Counsel for R.3

ORDER

The present writ petition has been filed seeking direction to the third respondent to draw a panel for promotion for the year 2021-2022 on obtaining necessary clarification from the second respondent in respect of the mode to be adopted for promoting the petitioner from the post of “MANIAM” taking into consideration the petitioner's qualification acquired in the year 2016, in consonance with G.O(Ms)No.114, Tourism, Culture and Religious Endowments Department dated 04.09.2020 and to



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fix the scale of pay as Rs.5,200-Rs.20,200/- and basic pay as Rs.2,000/- calculated from the date of joining service i.e., 14.01.2008.

2. The petitioner joined service as “Maniam” which has been categorised as “Ulthurai Service” i.e., Indoor Employee vide order dated 10.01.2008 as passed by the third respondent and his scale of pay was fixed at Rs.2610-60-3150-65-3540/-. In respect of the senior grade temple, for the post of Maniyam, the scale of pay was revised from Rs. 950-20-115-25-1700/- and the same was refixed as Rs.5200 – 20200/- vide order dated 01.01.2016. However, the second respondent without fixing the pay of Maniyam in respect of senior grade temple to the petitioner, the pay was fixed as Rs.2610-60-3150-65-3540/- instead of Rs.5200 – 20200/- and basic pay of Rs.2000/-. The said scale is fixed for the post of Watchman which is below the cadre of Maniyam. The petitioner completed the required departmental examination and the same was entered in the service register on 27.10.2016. During the panel for promotion prepared in the year 2012-2013, his name was not included and hence he placed his objection on 24.01.2013. On 12.07.2017, the petitioner had sent communication to the third respondent intimating that



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he had completed the required departmental examination and also completed the HR & CE Administration Department Test - Second paper in the month of May 2016 and the same has been entered in his service records on 27.10.2016 and sought to promote him on the basis of the same.

3. In the meanwhile, G.O(Ms)No.114, Tourism, Culture and Religious Endowments Department, dated 04.09.2020 and the Tamil Nadu Hindu Religious Institutions Employees (Condition of Service) Rules, 2020 were brought into force. Whiles, panel for promotion was prepared during 2023-2024. However, on the date of preparation of the said promotion panel, the crucial date for consideration of the employee for promotion in terms of Rule 14 of the Tamil Nadu Hindu Religious Institutions Employees (Condition of Service) Rules, 2020, is 1st July of every year. While so the pendency of charges as against the petitioner prevented the Department from including his name in the panel for promotion. However, in the meanwhile, the petitioner had accepted the charges and paid a fine of Rs.20,000/-. Since the petitioner was not considered for the promotion, this writ petition came to be filed seeking



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to promote him to the post of Peshkar from the post of Maniyam and also fix the scale of pay as Rs.5,200-Rs.20,200/- and basic pay of Rs.2000/-, that is, the pay for the post of Maniyam in senior temples.

4. Heard Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.VR.Shanmuganathan, Standing Counsel appearing for the fifth respondent.

5. On 22.04.2022, the second respondent issued a circular on the basis of G.O(Ms)No.91, Tourism, Culture and Charitable Endowments Department, dated 28.06.2019 and G.O(Ms)No.114, Tourism, Culture and Religious Endowments Department, dated 04.09.2020 in which the pay matrix to the post of Maniam and Assistant was brought to be similar and fixed at Rs.18,555 – 58,600/-. In view of the same, the petitioner is entitled for refixation of scale of pay and basic pay.

6. Mr.VR.Shanmuganathan, learned Standing Counsel appearing for the third respondent submitted that subsequent to the filing of the writ petition, the said circular relied upon by the petitioner came to be issued on 22.04.2022. Since the petitioner has accepted the charges against him



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which was pending against him during the said period and since he paid the fine amount to the Department, there is no bar to consider him to the post of peshkar for the year 2024-2025.

7. Heard the learned counsels on either side and perused the materials available on record.

8. In view of the submissions made by the learned counsel appearing for the petitioner and also the learned Standing Counsel, this Court recording the fact that the petitioner has already paid the amount of Rs.20,000/- as fine for charges framed against him, the third respondent is directed to include the name of the petitioner in the panel for promotion to the post of Peshkar for the year 2024-2025, if he is otherwise eligible and further the third respondent is directed to fix the scale of pay and basic pay of the petitioner in terms of the circular dated 22.04.2022 within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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9. Accordingly, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Secretary to Government,
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Chennai.
- 2.The Commissioner,
Tamil Nadu Hindu Religious and
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L.VICTORIA GOWRI, J.

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