



W.P(MD)No.1678 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.09.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.1678 of 2024

and

W.M.P(MD)No.21812 of 2024

K.Subramanian

... Petitioner

Vs.

1.The Principal Secretary to Government,
Hindu Religious and Charitable Endowment
Department,
Secretariat,
Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowment
Department,
No.119, Uthamar Gandhi Street,
Nungampakkam,
Chennai-600 034.

3.The Joint Commissioner,
Arulmighu Thandayuthapani Thirukovil,
Palani,
Dindigul District.



W.P(MD)No.1678 of 2024

WEB COPY

4.The Chief Auditor,
Hindu Religious and Charitable Endowment
Department,
No.119, Uthamar Gandhi Street,
Nungampakkam, Chennai-600 034.

5.The Senior Accounts Officer,
Arulmighu Thandayuthapani Thirukovil,
Vadaku Giri Veethi,
Palani-624 601,
Dindigul District.

... Respondents

*(R-4 & R-5 are impleaded vide Court order, dated
14.11.2024 in W.M.P(MD)No.21810 of 2024 in
W.P(MD)No.1678 of 2024)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertain to the impugned order in Na.Ka.No. 7819/2023/A1, dated 29.11.2023 issued by the third respondent and quash the same as illegal and consequently directing the respondents to revise the Selection Grade and Special Grade Scale of pay as Rs.3200-85-4900 and Rs.4000-100-6000 to the ordinary grade scale of pay of Rs.2610-60-3150-65-3540 as revised in Letter No. 48639/2009/७१, dated 21.05.2009 and disburse the monetary benefits accrued therein, based on the petitioner's representation, dated 18.08.2023, within the period that may be stipulated by this Court.



W.P(MD)No.1678 of 2024

WEB COPY

For Petitioner : Mr.G.Balumahendran

For R-1, R-2
& R-4 : Mr.G.Suriyananth
Additional Government Pleader

For R-3 & R-5 : Mr.R.Murali
Standing Counsel

ORDER

The present writ petition has been filed to quash the order, dated 29.11.2023 passed by the third respondent and consequently directing the respondents to revise the Selection Grade and Special Grade Scale of pay as Rs.3200-85-4900 and Rs.4000-100-6000 to the ordinary grade scale of pay of Rs.2610-60-3150-65-3540 as revised in Letter No. 48639/2009/१, dated 21.05.2009 and disburse the monetary benefits accrued therein, based on the petitioner's representation, dated 18.08.2023.

2. The learned Counsel appearing for the petitioner would submit that the petitioner was employed in the third respondent Temple in the



W.P(MD)No.1678 of 2024

year 1972 and retired as Thotti on attaining the age of superannuation on 31.01.2008. The petitioner was originally paid daily wages and the implementation of the Government order in G.O(Ms)No.257 [Tamil Development, Culture and Charitable Endowment Department], dated 10.06.1998, the employees, who were working under the recommendation of four member committee were fixed a time scale of pay. He would further submit that by a communication, dated 21.05.2009, the second respondent had revised the selection grade and special grade scale of pay. However, the petitioner was allowed the scale of pay at lower rates than what has been prescribed. He is entitled for a higher scale of pay at Rs.3200-85-4900 in the selection grade and Rs.4000-100-6000 in the special grade, in view of the communication of the second respondent, dated 21.05.2009. Therefore, he prays this Court to set aside the order passed by the second respondent rejecting the claim of the petitioner and refix the pay of the petitioner on the selection grade and special grade in consonance with revised letter issued by the second respondent, dated 21.05.2009.



W.P(MD)No.1678 of 2024

WEB COPY

3. Countering his argument, Mr.G.Suriyananth, learned Additional Government Pleader appearing for the respondents 1, 2 and 4 would submit that the writ petition itself is not maintainable as the claim of the petitioner has already been negated by the Government in G.O(Ms)No. 93 [Tamil Development, Culture and Charitable Endowment Department], dated 12.06.2014 which has also been upheld by this Court in the writ petition filed by the petitioner in W.P(MD)No.22092 of 2023 in its order, dated 22.09.2023. Therefore, he prays this Court to dismiss the writ petition.

4. Mr.R.Murali, learned Standing Counsel appearing for the respondents 3 and 5 would submit that under G.O(Ms)No.257, dated 10.06.1998, Government had fixed salary to various posts and that under Clause 6, it had fixed a pay scale of Rs.2610-60-3150-65-3540 for various grades including the post held by the petitioner. Under the said Government order, the pay scale for the special grade and selection grade was fixed as Rs.3200-85-4900 and Rs.4000-100-6000 respectively. However, by a communication, dated 10.11.1998, this pay scale with regard to the pay band of Rs.2610-60-3150-65-3540 was refixed with



W.P(MD)No.1678 of 2024

WEB COPY

regard to the selection grade and special grade as Rs.2750-70-3800-75-4400 and Rs.3050-75-3950-80-4590. He would submit further the Government order in G.O.Ms.No.2D(16), dated 27.02.2009, the pay scale in respect of the class of employees was refixed from Rs.2610-60-3150-65-3540 to Rs.3200-85-4900 with consequential increase in the selection grade and special grade. He would submit that the petitioner had earlier made a representation along with various other employees seeking for refixation of their pay in consonance with the Government order of the year 2009. He would submit that the benefit under the Government order of the year 2009 cannot be extended to the petitioner as the same had been made only in respect of categories other than the category of post which was held by the petitioner. He would further submit that the claim of the petitioner to grant them the benefits as per the Government order in G.O(Ms)No.257 can also not be entertained and the same had been amended by the Department in respect of pay band of Rs.2610-60-3150-65-3540 by its communication, dated 10.11.1998 and the same has also not been challenged by the petitioner. The petitioner's claim for refixation was rejected by the Government in G.O(Ms)No.93 as early as in the year 2014 which also came to be



W.P(MD)No.1678 of 2024

WEB COPY

challenged by the petitioner along with others and was dismissed by this Court in its order, dated 23.11.2022 in W.P(MD)No.14610 of 2014. After the dismissal, the petitioner had innocuously filed a writ petition for a direction to direct the third respondent to consider the case of the petitioner. Considering the fact that the claim of the petitioner had already been rejected by the Government and affirmed by this Court, the third respondent had rejected the claim of the petitioner and therefore, there is no error in the order impugned and therefore, prays this Court to dismiss the writ petition.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. The undisputed facts are that the petitioner had been working on daily wages and was benefited with the pay scale under G.O(Ms)No.257, dated 10.06.1998, wherein for the category of employees such as the petitioner, the scale of pay was Rs.2610-60-3150-65-3540. The selection grade and special grade for the said pay scale was also given as Rs.3200-85-4900 and Rs.4000-100-6000 respectively. The said scale of



W.P(MD)No.1678 of 2024

WEB COPY

pay in the selection grade and special grade have been modified by the Department on 10.11.1998 by refixing the same to Rs.2750-70-3800-75-4400 and Rs.3050-75-3950-80-4590 respectively. This order has never been challenged by the petitioner. Thereafter, in respect of certain categories, Government had issued further orders in the year 2009 entitling them for a higher pay scale than that was fixed in the Government order of the year 1998. The Government order of the year 2009 has not been issued to the category of employee such as the petitioner. The petitioner had made a representation along with other retired employees seeking for pay scale in the selection grade and special grade as fixed by the Government order in the year 1998 and in par with the employees, who fall within the category in the Government order of the year 2009. As noted *supra*, the petitioner had not challenged the revision of the pay scales in the selection grade and special grade which was made in November, 1998 by reducing the pay scale fixed in the selection grade and special grade under the Government order, dated 10.06.1998. That apart, the petitioner had also not challenged the Government order of the year 2009 of which the benefits were not extended to the category of employees like the petitioner.



W.P(MD)No.1678 of 2024

WEB COPY

7. It is further to be noted that, the very same claim made by the petitioner was considered by the Government and the Government had also issued G.O(Ms)No.93, dated 12.06.2014 rejecting the claim of the petitioner. The same had been challenged by the petitioner before this Court in W.P(MD)No.14610 of 2014 along with other individuals and this Court by its order, dated 23.11.2022 had rejected the claim of the petitioner. Having not filed any appeal against the same, the petitioner had come forward this Court for a direction to direct the third respondent to consider the very same claim and the third respondent had rejected the claim of the petitioner in line with, by taking note of the Government order of the year 2014 which had rejected the claim of the petitioner. Not only the claim of the petitioner is hit by the principles of *res judicata*, but the third respondent is also bound by the orders passed by the Government rejecting the claim of the petitioner as upheld by this Court in W.P(MD)No.14610 of 2014 and it cannot take a contrary decision than what has been taken by the Government.



W.P(MD)No.1678 of 2024

WEB COPY

8. In such view of the matter, I do not find any merits to entertain this writ petition. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Principal Secretary to Government,
Hindu Religious and Charitable Endowment
Department,
Secretariat,
Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowment
Department,
No.119, Uthamar Gandhi Street,
Nungampakkam,
Chennai-600 034.

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W.P(MD)No.1678 of 2024

3. The Joint Commissioner,
Arulmighu Thandayuthapani Thirukovil,
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4. The Chief Auditor,
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WEB COPY



W.P(MD)No.1678 of 2024

K.KUMARESH BABU, J.

BTR

Order made in
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