



W.P.(MD).No.14449 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.06.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.14449 of 2023

1.M.Selvanayagan

2.P.Senthilkumar

... Petitioners

Vs.

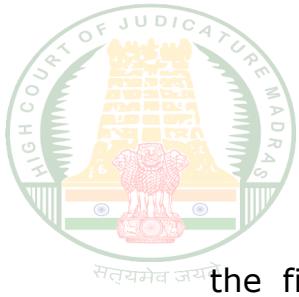
1. The Principal Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Secretariat, Fort St.George,
Chennai 600 038.

2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Chennai - 38.

3. The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani 624 601,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus calling for the records relating to
the impugned order in Mu.Mu.No.6663/2023/Z2 dated 14.03.2023 on



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the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the Respondent No.2 herein to grant necessary permission to the 3rd respondent temple for increasing the scale of pay of the petitioners as Rs.9,300-34,800 + Grade Pay Rs. 4,200/- and by extending the benefits of G.O.Ms.No. 234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No. 296, Finance (Pay Cell) Department, dated 26.08.2010 on par with other Chief Pharmacists and Pharmacist serving under Tamil Nadu Government.

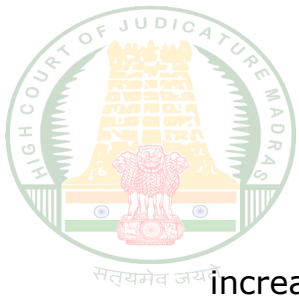
For Petitioners : Dr.B.Ramasamy
for M/s.Lajapathi Roy & Associates

For Respondent : Mr.S.S.Madhavan
Nos.1 & 2 Additional Government Pleader

For Respondent-3: Mr.R.Murali

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent in Mu.Mu.No.6663/2023/Z2 dated 14.03.2023 with a consequential direction to the second respondent to grant necessary permission to the third respondent temple for



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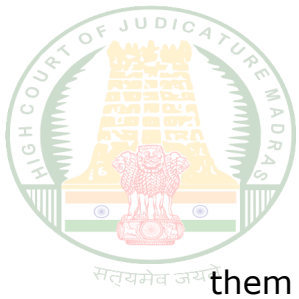
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Increasing the scale of pay of the petitioners as Rs.9,300-34,800 + Grade Pay Rs.4,200/- by extending the benefits of G.O.Ms.No. 234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No. 296, Finance (Pay Cell) Department, dated 26.08.2010 on par with other Chief Pharmacists and Pharmacist serving under Tamil Nadu Government.

2. The brief facts of the case is as follows:

2.1. The first and second petitioners herein have joined the service in the third respondent temple as 'Pharmacist' and 'Assistant Pharmacist' respectively with effect from 01.01.2014 and they are rendering their services without any black marks. As per the Government Orders in G.O.(Ms) No. 234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.(Ms) No. 296, Finance (Pay Cell) Department, dated 26.08.2010, the pay scale of all Chief Pharmacist and Pharmacists were increased from Rs.5,200-20,200 to Rs.9,300-34,800 with Grade pay from Rs.2,800/- to Rs.4,200/-. However, the pay scale of the Pharmacists working in the third respondent temple was continued to be maintained as Rs.5,200-15,900 with Grade pay of Rs.2,400/-.

2.2. The petitioners and other similarly placed persons made a request before the third respondent to extend the aforesaid benefits to



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them also. The said request was placed before the third respondent and the third respondent sent a communication dated 06.08.2018 seeking necessary permission from the second respondent for extending the said benefits as per the said Government Orders. On receipt of the same, the second respondent, vide proceedings dated 10.09.2018, directed the third respondent to send a report regarding the nature of work of the petitioners. The third respondent also sent a report in this regard on 17.09.2018.

2.3. While this being so, the first respondent, in G.O.(Ms) No.91, Tourism, Culture and Religious Endowments Department, dated 28.06.2019, refixing the pay scale of the temple staffs. However, some discrepancies were found in the said Government Order. Therefore, a representation was made before the third respondent and the third respondent also once again made a detailed proposal dated 07.08.2019 to the second respondent to grant necessary permission to extend the benefits of the Government Orders. However, on 28.08.2020, the second respondent returned the proposals of the third respondent stating that the temple employees cannot be paid on par with the Government employees and that the request of the temple employees shall not be forwarded simply but with materials as to how their claim for more salary is justifiable.



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2.4. Subsequently, the third respondent sought for legal opinion and forwarded a fresh proposal to the second respondent on 07.12.2020. The second respondent, vide proceedings dated 17.02.2021, rejected the said proposal without any reasons. Hence, the petitioners and others filed the Writ Petitions before this Court and this Court also quashed the said impugned order and the matter was remanded back to the second respondent for a fresh consideration. Pursuant to the same, the second respondent passed the impugned order dated 14.03.2022, rejecting their claim.

3. Aggrieved over the same, the petitioners have come forward with the present Writ Petition.

4. The learned counsel appearing for the petitioners submitted that the impugned order has been issued against the principle of equal pay for equal work as held by the Hon'ble Supreme Court and the second respondent has mechanically rejected the proposal for enhancement of salary. Further, the second respondent has neither given any notice nor any opportunity either to the third respondent or to



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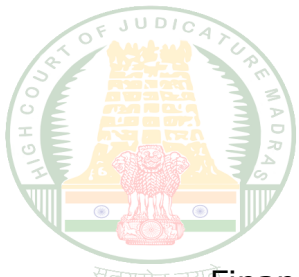
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the petitioners, before passing the impugned order, which is in violation of principles of natural justice. Hence, he prayed this Court to grant the relief sought for by the petitioners by allowing the Writ Petition.

5. The learned Additional Government Pleader submitted that the impugned order has been passed rightly by the second respondent taking into account that the petitioners are under the service of the HR & CE Board and not falls under the Government employee and also considering the Government Orders viz., G.O.(Ms) No.234, dated 01.06.2009, G.O.(Ms) No.296, 26.08.2010 and subsequent G.O. dated 28.06.2019. He also submitted that G.O.(Ms) No.91, Tourism, Culture and Religious Endowments Department, dated 28.06.2019 has been passed for refixation of scale of pay to the concerned department staffs. He further submitted that the impugned order dated 14.03.2023 passed by the second respondent is in conformity and warrants no interference by this Court. Hence, prayed this Court to dismiss the Writ Petition.

6. Heard the learned counsel on either side and perused the materials placed before this Court.

7. On a bare perusal of the records, it is seen that the Government through the Government Orders viz., G.O.(Ms) No. 234,

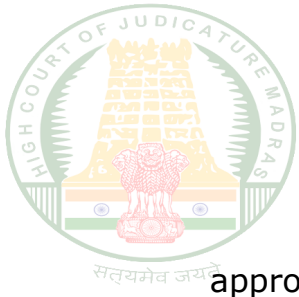


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Finance (Pay Cell) Department, dated 01.06.2009 and G.O. (Ms) No. 296, Finance (Pay Cell) Department, dated 26.08.2010, have increased the pay scale of all Chief Pharmacist and Pharmacists. It is predominant to note that the service rendered by the petitioners herein are similar to that of the service of the Government employees as per their designation and hence, they are seeking the same pay of scale on par with the Government employees which seems to be acceptable and genuine. It is also submitted that the subsequent Government Order in G.O. (Ms) No.91, Tourism, Culture and Religious Endowments Department, dated 28.06.2019, has been issued for refixation of pay of scale to the Department staffs.

8. Considering the facts and circumstances of this case and also taking note of the submissions made by the learned counsel on either side, the impugned order dated 14.03.2023 passed by the second respondent, is hereby quashed. Consequently, this Court remits the matter back to the first respondent for a fresh consideration and the first respondent is hereby directed to consider the case of the petitioners by taking into account, the Government Orders viz., G.O.Ms.No. 234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No. 296, Finance (Pay Cell) Department, dated 26.08.2010 and also the proceedings / reports of the third respondent herein and pass



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appropriate orders on its own merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition is allowed in part.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed, if any.

19.06.2025

NCC : Yes/No
Index : Yes / No

(2/2)

sm/DP



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TO

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2. The Commissioner,
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VIVEK KUMAR SINGH, J.

sm/DP

**Order made in
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