IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 25478 of 2015
AND WP NO. 25479 OF 2015

WP No. 25478 of 2015:

1. Srivaithianathaswamy Thirukoil
   Archakarkal Welfare Association
   Rep. by its President,
   Sri D.M. VaithyanathaGurukkal,
   No.1, Swami Sannidhi Street,
   Vaitheeswaran Koil,
   Nagapattinam District.

2. Sri D.M. Vaithyanatha Gurukkal
   No.1, Swami Sannidhi Street,
   Vaitheeswarankoil,
   Sirgazhi Taluk, Nagapattinam District.

..Petitioner(s)

Vs

1. Arulmigu Vaithanathaswamy
   Devasthanam,
   Rep. by its Heriditory Trustee,
   Sri la Sri Guru Maha Sannidhanam of
   Dharmapuram Adheenam,
   Vaitheswarankoil,
   Sirkazhi Taluk,
   Nagapattinam District.

2. The Commissioner
The Hindu Religious & Charitable Endowments
Department,
Nungambakkam High Road,
Chennai-600 034.

3. The Joint Commissioner
Hindu Religious and Charitable Endowments,
Mayiladuthurai-609 001.

..Respondent(s)

WP No. 25479 of 2015

1. Srivaithianathaswamy Thirukoil
Employees Welfare Asso.,
Rep. by its President,
Mr.C. Rajagopal,
No.1/A South Madavilagam,
Sirkazhi Taluk,
Nagapattinam District 609117

2. C. Rajagopal
S/o Late Chinnayan,
Melavizhakkadu,
Sattanathapuram Post,
Sirgazhi Taluk-609 109.

..Petitioner(s)

Vs

1. Arulmigu Vaithanathaswamy
Devasthanam,
Rep. by its Heriditory Trustee,
Sri la Sri Guru Maha Sannidhanam of
Dharmapuram Adheenam,
Vaitheswarankoil,
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2. The Commissioner
   The Hindu Religious & Charitable Endowments
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   Nungambakkam High Road,
   Chennai-600 034.

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   Hindu Religious and Charitable Endowments,
   Mayiladuthurai-609 001.

..Respondent(s)

Prayer in W.P.No.25478 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd Respondent to pay pension as per the Department's Pension Scheme to the Archakas from the 1st Respondent temple who have been retired from service or otherwise entitled.

Prayer in W.P.No.25479 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd Respondent to pay pension as per the Department's Pension Scheme to the Employees who have retired from service of the 1st Respondent temple.

For Petitioner
in both W.Ps : Mr. Niranjan Rajagopalan

For Respondents
in both W.Ps : Mr.B.Jawahar for R1
Mr. S.Ravi Chandran for R2 and R3
Additional Government Pleader

COMMON ORDER

W.P.No.24578 of 2021:

The petitioners seek issuance of a writ of mandamus directing the second respondent to extend pension under the Department Pension Scheme to the Archakas of the first respondent temple who have retired from service or are otherwise entitled to such benefits.

2. The first petitioner is a Welfare Association established for the benefit of Archakas serving in temples situated in the District of Mayiladuthurai. The second petitioner is an Archaka of the first respondent temple, appointed by the Hereditary Trustee.

W.P. No. 25479 of 2015

3. This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to grant pension under the Department Pension Scheme to the employees of the first respondent temple.

4. The petitioner is a registered association formed for the welfare

of employees of listed temples in the District of Mayiladuthurai. The second petitioner is an employee of the first respondent temple, appointed by the Hereditary Trustee.

5. The grievance of the petitioners in both the writ petitions is that, upon retirement of the Archakas/employees of the first respondent temple, they have not been extended pension and pensionary benefits as contemplated under the Tamil Nadu Hindu Religious Institutions Employees (Conditions of Service) Rules, 2020 (hereinafter referred to as the "2020 Rules").

6. The respondents 2 and 3 have filed a counter affidavit stating that the responsibility to pay pension and pensionary benefits rests with the first respondent temple and that such payments must be made out of the funds of the temple, and not by the Department. The first respondent has filed a counter affidavit contending that the 2020 Rules are not applicable to Mutts and that the petitioners, being employees of a Mutt, are not entitled to benefits under the 2020 Rules. In any event, it is contended that the liability to pay pension rests with the Department, in terms of the proviso to the 2020 Rules.

7. Rule 1 of the 2020 Rules provides that the Rules shall apply to

all Hindu Public Religious Institutions and Endowments, including incorporated and unincorporated Devaswoms. The proviso thereto states that the Rules shall not apply to Mutts and specific endowments attached to Mutts.

8. In the present case, it is not in dispute that the petitioners are employees of temples and not employees of a Mutt. Therefore, the proviso to Rule 1(2) of the 2020 Rules has no application, and consequently, the provisions of the 2020 Rules govern the service conditions of the petitioners.

9. Rule 32 of the 2020 Rules deals with gratuity and provides that every employee who retires or dies after completing ten years of service in a religious institution included in the list published under Section 46 of the Act shall be eligible for gratuity at the rate of half a month's salary for every completed year of service, subject to a maximum of 15 months' salary. The proviso thereto states that this provision shall not apply to institutions where the Contributory/Employees Provident Fund Scheme is in force.

10. It is an admitted position that the first respondent temple is a

listed temple under Section 46(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

11. Rule 35 of the 2020 Rules provides that the appointing authority, with the prior sanction of the Assistant Commissioner or the Joint/Deputy Commissioner, as the case may be, shall sanction gratuity.

12. Rule 37 of the 2020 Rules provides that an employee of a religious institution not covered under the Employees' Provident Fund Scheme, or even if covered but not entitled to pension under such scheme, shall be entitled to receive pension under the Department Pension Scheme, subject to the conditions stipulated therein.

13. The expression "Department Pension" is defined under Rule 2(d) of the 2020 Rules to mean pension sanctioned by the Hindu Religious and Charitable Endowments Department to an employee of a public religious institution who is not entitled to pension under the Employees' Provident Fund Scheme.

14. A conjoint reading of the above provisions makes it clear that employees of religious institutions, including temples, are entitled to

pension under the Department Pension Scheme, subject to eligibility conditions.

15. However, such pension is subject to sanction by the competent authority, namely, the Assistant Commissioner or the Joint/Deputy Commissioner, as provided under the Rules.

16. The writ petitions were filed in the year 2015. At the time when the second petitioner and the members of the first petitioner association retired from service, the Tamil Nadu Hindu Religious Institutions (Officers and Servants) Service Rules, 1964 (hereinafter referred to as the "1964 Rules") were in force.

17. Rule 26 of the 1964 Rules provides that every non-hereditary officer or servant who retires or dies after completing ten years of service in a religious institution included in the list published under Section 46 of the Act shall be eligible for gratuity at the rate of half a month's salary for every completed year of service, subject to a maximum of 15 months' salary.

18. The Full Bench of this Court in E. Gopal v. Arulmigu Dhandayuthapaniswamy Temple [2013 (3) CTC 689] has held that the Payment of Gratuity Act, 1972 is a self-contained and comprehensive

code, and by virtue of Section 14 thereof, it has an overriding effect over other enactments. It was further held that where the Central Act confers more beneficial rights, employees are entitled to claim such benefits notwithstanding restrictive provisions under the State Rules.

19. The Full Bench further held that the proviso to Rule 26 of the 1964 Rules, insofar as it restricts the applicability of gratuity in cases where contributory provident fund schemes are in force, is inconsistent with the provisions of the Payment of Gratuity Act and is, to that extent, repugnant.

20. In view of the above legal position, the Payment of Gratuity Act, 1972 would apply. If the petitioners are otherwise eligible, they are at liberty to submit appropriate applications before the first respondent seeking gratuity under the Payment of Gratuity Act, 1972 (now subsumed under the Code on Social Security, 2020). Upon receipt of such applications, the first respondent shall consider the same on merits and pass appropriate orders within a period of three (3) months.

21. The 1964 Rules have since been superseded by the 2020 Rules. In view of such repeal, the petitioners are at liberty to submit appropriate

applications to the first respondent seeking pension in accordance with the Rules or Government Orders that were in force as on the date of their retirement.

22. Upon receipt of such applications, the first respondent shall consider the same and, if the petitioners are found eligible, forward the proposal to the competent authority for sanction of pension in accordance with law.

23. With the above directions, these writ petitions are disposed of. Consequently, the connected miscellaneous petitions, if any, are closed. No costs.

24.02.2026

Index : Yes/No
Internet : Yes
JD/MSV

To

1. The Hereditary Trustee,
Arulmigu Vaithanathaswamy
Devasthanam,
Sri la Sri Guru Maha Sannidhanam of
Dharmapuram Adheenam,
Vaitheswarankoil,
Sirkazhi Taluk,
Nagapattinam District.

2. The Commissioner
The Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
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3. The Joint Commissioner
Hindu Religious and Charitable Endowments,
Mayiladuthurai-609 001.

HEMANT CHANDANGOUDAR, J.

JD/MSV

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