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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2026

CORAM

THE HON'BLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE DR.JUSTICE P.MURUGAN

WP(MD) No. 30465 of 2026

CNR:{HCMD011530292026}

Case QR

and

WMP(MD)No.23296 of 2026

Periyanambi Narasimha Gopalan
S/o.(Late) Periyanambi Srinivasachariyar,
No.1/7, Sannathi Street,
Mannarkovil Village,
Ambasamudram Taluk,
Tirunelveli District.

..Petitioner

Vs.

1. The Secretary to Government
   Tourism, Culture and Religious Endowments
   Department, Government of Tamil Nadu,
   Secretariat, Chennai - 600 009.

2. The Commissioner,
   Hindu Religious and Charitable Endowments
   Board, No.119, Uttamar Gandhi Salai,
   Nungambakkam,
   Chennai - 600 014.

..Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents to pay the salaries to Archakas and all other temple employees throughout the State of Tamil Nadu, as per the minimum

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wages act and on par with Government servants, irrespective of the income of the individual temples, in the light of the Direction No.51 issued by the Honble Division Bench of this Court in Suo Motu W.P. No.574 of 2015 and W.P(MD)No.24178 of 2018, dated 07-06-2021, within the time fixed by this Court.

For Petitioner: Mr.K.Subbu Ranga Bharathi

For Respondents: Mr.A.Sivasubramanian,
Additional Government Pleader

ORDER

Temples are an inseparable part of our cultural and social life. There is a presumption that the temples in South India are public temples. As far as Tamil Nadu is concerned, most of them, if not all, have been brought under the purview of the Hindu Religious and Charitable Endowments Department.

2. The temple staff come under two categories : indoor and outdoor. The statute envisages a trust board for each of the temples. The Tamil Nadu HR&CE Act, 1959 has put in place an elaborate bureaucratic arrangement to ensure that the temples are properly administered and the temple properties are not frittered away. The department itself is headed by a Senior I.A.S Officer. He is known as the Commissioner. The

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temples are classified based on their income. If necessary, Executive Officers in the rank of Joint Commissioner/Deputy Commissioner/Assistant Commissioner/Grade I etc., are appointed for the temples. They are government servants and paid as such. But the temple staff are paid out of the income generated by the particular temple. This leads to an invidious situation. If a particular temple is bereft of properties and is not able to generate sufficient income, its staff are paid a pittance. In some cases, the monthly pay of the cook is as low as Rs.400/-. One can imagine the pay drawn by other staff such as sweepers and gardeners.

3. When the Hon'ble Division Bench of the Madras High Court comprising Their Lordships Mr.Justice R.Mahadevan (As His Lordship Then Was) and Mr.Justice P.D.Audikesavalu initiated suo motu action with regard to temple managements, they paid particular attention to the salary drawn by the staff. Vide order dated 07.06.2021 in Suo Motu WP No.574 of 2015 and WP(MD)No.24178 of 2018, the following direction was passed :

> "(51) The salary and other service and retirement benefits of all the staff of the temple including that of the archakas and oduvars must be fixed as per the provisions of the Minimum Wages Act and on par with the Government servant.

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(52) The terminal benefits of the retired staff in the temples under the HR&CE Act must be settled within 30 days from the date of their retirement. A list of cases where terminal benefits have not been settled must be filed before this court within a period of eight (8) weeks."

Aggrieved by the aforesaid direction, Rev A(W) Nos.169 and 170 of 2021 were filed. The review applications were disposed of on 02.06.2023. The relevant portion reads as follows :

> "17.In respect of the direction no.51, this court is of the view that the same is not contrary to the Tamil Nadu Hindu Religious Institutions Employees (Condition of Service) Rules, 2020 and hence, the minimum wages Act is applicable to employees of the temples also. The State is under constitutional obligation, to ensure a decent living for all the workers and their families. Right of life includes right to livelihood. Article 7 of the International Covenant on Economic, Social and Cultural Rights 1966, speaks about fair wages and equal remuneration for all workers for work of equal value. Therefore, the State is bound to comply with the provisions of the Minimum Wages Act in respect of the temple employees. The Minimum Wages Act and the notifications issued by the State are targeted towards guaranteeing a minimum standard of life, to all section of workers, skilled and un-skilled. It is pertinent to mention here that the employees of the Department are indisputably discharging public functions and are "public servants" under section 12. Just because the scheme of administration of the

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temple contemplates payment from the income of the temple, the minimum wages cannot be denied. There are certain ways to generate income for paying salary to the temple staff, such as, the ceiling on the expenses fixed by the State can be increased, the surplus funds of other temples and the funds from the common good fund can be utilised, unnecessary expenses at the cost of the temples have to be cut down, and the State, if necessary, should also contribute for the same. Thus, this issue is clarified accordingly."

Even though these orders were passed more than three years ago, till date, they have not been enforced. We posed a specific question to the respondents if the aforesaid orders have been stayed or set aside. The answer is in the negative. When admittedly a judicial order is holding the field, it is the duty of the authorities to enforce the same. If they fail to do so, a fresh writ petition is certainly maintainable.

4. The Hon'ble Division Bench of the High Court of Bombay in ***Foundever CRM India Pvt. India Ltd., v. Employees' State Insurance Corporations and ors (WP(L) No.36732 of 2025)*** held that a second writ petition seeking enforcement of an earlier writ order is maintainable in light of the comprehensive phraseology of Article 226 of the Constitution of India. Also, the Hon'ble Calcutta High Court in ***Bibekananda Mondal v. State of West Bengal (2003) 1 WBLR (Cal) 213*** took the

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same view. The Hon'ble Orissa High Court too in ***Indrapuri Studio Pvt. Ltd v. West Bengal State Warehousing Corporation (WP No.1922 of 1998)*** endorsed the view taken in ***Bibekananda Mondal.***

5. Article 226 of the Constitution of India empowers the High Court reach injustice wherever it is found and redress the situation. Our conscience is shocked that thousands of temple staff are paid atrociously poor pay. The amount paid to them would be hardly sufficient to keep the body and soul together. We may remark that the lowest National Floor Level Minimum Wage is Rs.176/- per day. What is drawn by many temple staff in Tamil Nadu is lower than that. That is why, the Hon'ble Division Bench in the aforesaid suo motu writ petition gave a positive direction. Since it has not been complied with, we are constrained to step in to reiterate the said directions.

6. The HR&CE Department which has supervisory jurisdiction over the temples cannot plead lack of resources. There are several ways to raise funds. Devotees must be motivated to form groups. Each group must be in charge of a particular temple. They must be tasked with ensuring that the staff are paid a decent salary. Since the issue has financial implications, we will not be justified in directing payment of

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statutory minimum wage. But certainly a decent wage must be given. Article 43 of the Constitution of India talks of payment of living wage. In a different context, the Hon'ble Supreme Court observed that where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him falls within the scope and ambit of the words "forced labour" under Article 23. Such a person would be entitled to come to the court for enforcement of his fundamental right under Article 23 by asking the court to direct payment of the minimum wage to him so that the labour or service provided by him ceases to be "forced labour" and the breach of Article 23 is remedied (vide ***People's Union for Democratic and ors v. UOI (AIR 1982 SC 1473***). Most of the temple staff are living in such conditions that they cannot form an union and voice their grievances aloud. That is why, the petitioner herein has taken up their cause and brought it to our notice. We are conscisous that the petitioner herein had earlier filed a writ petition and the same was allowed. But it was stayed in WA(MD)No.1180 of 2023 dated 27.07.2023. It is an interim order staying the operation of a single Judge's order. But in the case on hand, the petitioner prays for enforcement of the order made in the suo motu writ petition. Hence, the pendency of WA(MD)No.1180 of 2023 nor the grant of interim order therein can come in the way.

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7. Linking the pay of a person with the income drawn by the concerned religious institution breaches his fundamental right under Article 21 of the Constitution of India. Article 21 is all about one's life and liberty. The Hon'ble Supreme Court has clarified in many a case that existence cannot mean animal existence. Payment of a sum that is far far below the living wage certainly attracts the fierce stare of Article 23 of the Constitution of India. The only way the situation can be remedied is by suitably remunerating the staff concerned. We cannot lay down a straitjacket formula. There could be temples where the priest offers his services only for an hour or two. It is called as "Murai System". There could be temples where a person is all-in-one. He is the priest, he is the cook, he is the sweeper as well as the gate-keeper. Thus, on a case to case basis, a system has to be evolved. This is the paramount duty of the HR&CE Department. It is unfortunate that till date, they have not bothered to lift their little finger to ameliorate the pitiable conditions of the temple staff. All of us trace our roots to some village. If a serious exercise is undertaken, it is certainly possible to form patronage groups for every temple. India boasts of a huge bureaucracy. The services of the staff of the HR&CE department can be enlisted and harnessed for this purpose. There are several well known industrialists. For instance,

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Sridhar Vembu of Zoho comes to our mind. His father was a court staff. His is an inspiring story of success. Such persons can be associated and called upon to come out with appropriate revenue modules. There is something called temple economics. It is time to embrace technology. The social media can be deployed effectively to mobilise support for this noble cause. We expect the HR&CE Commissioner to take immediate steps in this regard. It is he who must bell the cat. When binding judicial direction is there to ensure payment of fair wage to the temple staff, the Department and its officials cannot be permitted to keep quiet.

8. This writ petition stands allowed with a direction to the respondents to ensure that living wage is paid to each of the staff working in the public temples coming under the purview of the Tamil Nadu HR&CE Department. We grant two months' time to the Commissioner of HR&CE to submit an Action-Taken Report. No costs. Connected miscellaneous petition is closed.

(G.R.S.,J.) & (P.M.N.,J.)

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.P.MURUGAN, J.

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