



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.11.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P (MD) .No.11760 of 2011
and M.P. (MD) .No.1 of 2011

K.Shanmugam

.. Petitioner

Vs.

1. State of Tamilnadu
Rep. by its Secretary to the Government
Rural Development and Local Administration,
Secretariat, Fort Saint George,
Chennai - 9.
2. The Director, Directorate of Rural Development,
Panagal Building, 4th Floor, Saidapet, Chennai - 15.
3. The District Collector, Madurai District,
Madurai - 20.
4. The Commissioner (Village Panchayat),
Panchayat Union, Melur.
5. The President, Panchayat Chemminipatti,
Melur Taluk, Madurai District.

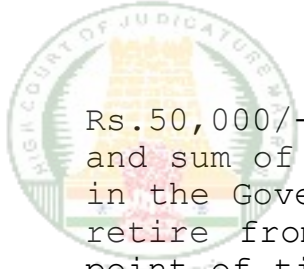
.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd respondent, dated 29.04.2011 in his Memorandum O.M.No.26067/2011/U.Va.6 and quash the same and to direct the 1st respondent to give effect to the G.O.Ms.No.22, dated 14.02.2011 as 01.09.2006 i.e. the date of regularization of the services of the petitioner and to pay the lump sum amount of Rs.50,000/- and monthly pension of Rs.700/- per month.

For Petitioner	:	Mr.A.S.Mujibur Rahman
For Respondents	:	Mr.K.Muthu, Additional Government Pleader

ORDER

The petitioner joined as Part Time clerk in the Kongampatti Panchayat, Melur Panchayat Union, Madurai District. He was transferred as Panchayat Assistant to Chemminipatti Panchayat. He retired on 31.10.2010. Thereafter, the Government issued G.O.Ms.No.22, dated 14.02.2011, announcing an *ex gratia* payment of



Rs.50,000/- and special pension at the rate of Rs.700/- per month and sum of Rs.100/- towards Medical expenses. But it was made clear in the Government order itself that it would cover the employees who retire from 14.02.2011. The petitioner herein retired earlier in point of time. Therefore, the authority by the order impugned in the writ petition had taken the stand that the benefit under G.O.Ms.No.22, dated 14.02.2011 cannot be extended to him. This order is challenged in this writ petition.

2.The learned counsel for the petitioner contended that the petitioner has put in more than 30 years of service and that his retirement was hardly a few months prior to the issuance of the Government order.

3.It may be a hard case. But, this Court has no authority or power to extend the benefit of a Government Order to a person who is not covered by the express terms thereof. In matters having financial implications it is for the Executive to take a policy decision in the matter. Therefore this Court is not in a position to grant any relief to the petitioner herein.

4.Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Secretary to the Government,
Rural Development and Local Administration,
Secretariat, Fort Saint George, Chennai - 9.
2. The Director, Directorate of Rural Development,
Panagal Building, 4th Floor, Saidapet, Chennai - 15.
3. The District Collector, Madurai District, Madurai - 20.
4. The Commissioner (Village Panchayat), Panchayat Union, Melur.
5. The President,
Panchayat Chemminipatti,
Melur Taluk, Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94991
+ 1 CC TO Mr.A.S.MUJBUR RAHMAN, ADVOCATE IN SR No. 94932

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