

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 26.02.2019
CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.11190 of 2014

K.Lakshmanan

.. Petitioner

Vs

1.The Secretary to Government,
Revenue Department,
Fort St. George, Chennai-9.

2.The Commissioner of Revenue,
Administration, Chepauk,
Chennai-5.

3.The District Collector,
Collector's Office,
Erode District.

4.The Revenue Divisional Officer,
Gobichettipalayam,
Gobichettipalayam Taluk,
Erode District.

5.The Tahsildar,
Gobichettipalayam Taluk Office,
Gobichettipalayam Taluk,
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to pay salary arrears of Rs.1,74,896/- with interest pursuant to the revised pay scale as per the 6th Pay Commission for the period from 01.01.2007 to 30.06.2011 and surrender pay of Rs.16,106/- with interest and further direct the respondents to pay interest for belated payment of gratuity and pension arrear.

For Petitioner : Mr.M.Elango
For Respondents : Mr.B.Anand, GA

O R D E R

This writ petition has been filed to direct the respondents to pay salary arrears of Rs.1,74,896/- with interest, pursuant to the revised pay scale as per the 6th Pay Commission for the period from 01.01.2007 to 30.06.2011 and surrender pay of Rs.16,106/- with interest to the petitioner.

2.The learned counsel for the petitioner would submit that the petitioner was appointed as night watchman by the 5th respondent in the Taluk Office, Gobichettipalayam on 01.02.1971. Thereafter, he was absorbed as an Office Assistant in the same office on 11.10.1971. He retired from service after serving as an Office Assistant for more than 40 years. The grievance of the petitioner is that the 1st respondent has not taken any steps to regularise his service, though a proposal has been sent by the respondents 3 and 4 to regularise the service of the petitioner w.e.f. 01.02.1971. Since the service of the petitioner has not been regularised, he filed W.P.No.17681 of 2013 seeking direction to the respondents to regularise his services. This Court, by order dated 01.07.2013, directed the Government to regularise the services of the petitioner within a period of four weeks and further directed to disburse the monetary benefits as well as terminal benefits within a period of eight weeks thereafter. Pursuant to the said direction issued by this Court, the Government has passed G.O.Ms.No.421 Revenue [Ser-8(1)] Department dated 24.10.2013, regularising the service of the petitioner as a watchman from 11.10.1971 to 30.06.2011 and the retirement benefits have been settled to the petitioner, based on the revised pay as per 6th pay commission without interest. Under such circumstance, the petitioner has filed this writ petition seeking direction to the respondents to pay salary arrears of Rs.1,74,896/- with interest, pursuant to the revised pay scale as per 6th Pay Commission for the period from 01.01.2007 to 30.06.2011 and surrender pay of Rs.16,106/- with interest and further direct the respondents to pay interest for belated payment of gratuity and pension arrear.

3.The learned Government Advocate appearing for the respondents would submit that the service of the petitioner was regularised and corresponding sanction of terminal benefits are all made as a special case, in obedience to the orders of this Court. He would further contend that the petitioner's case cannot be considered on par with the rules and regulations laid down for the regular Government servants, as he was not sponsored by the employment exchange, which is statutory as per Rule 4 (a) of the Special Rules for the Tamil Nadu Basic Services. Therefore, the petitioner cannot seek monetary benefits as claimed in the present writ petition.

4.In view of the rival submissions made by both sides, it is not in dispute that the petitioner's appointment was not under the terms and rules of the Special Rules for the Tamil Nadu Basic Services. But, considering the petitioner's length of service in the department, this Court, by order dated 01.07.2013 in

W.P.No.17681 of 2013, directed the Government to regularise the services of the petitioner within a period of four weeks and further directed to disburse the monetary benefits as well as terminal benefits. Pursuant to the order of this Court, the Government has passed G.O.Ms.No.421 Revenue [Ser-8(1)] Department dated 24.10.2013, regularising the service of the petitioner with a special mention that the petitioner is not entitled for any monetary benefits except terminal benefits. The said terminal benefits also settled to the petitioner. Without challenging the said Government Order, the petitioner cannot now seek a direction to the respondents to grant monetary benefits to him and the present writ petition is not maintainable.

In the result, this writ petition is dismissed.
No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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Gobichettipalayam Taluk Office,
Gobichettipalayam Taluk,Erode District.

+1cc to Mr.M.Elango , Advocate SR.No. 17799
+1 CC TO GOVERNMENT PLEADER SR.NO. 18193

W.P.No.11190 of 2014

A.SK(22/03/2019)

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