



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17213 of 2014

and

M.P. (MD) .No.1 of 2014

Selvaraj

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Block Development Officer,
Village Panchayat,
Munjurai Panchayat Union,
Pudukkadai Post,
Kanyakumari District.

3.The President,
Thoothur Village Panchayat,
Poothurai Post,
Kanyakumari District-629176

4.Saravana Kumar
Waterman
Thoothur Village Panchayat,
Munjurai Panchayat Union,
Poothurai Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents particularly the respondents 2 and 3 to pay the salary for the post of waterman in the office of the 3rd respondent as from 08.12.2000 at par with the 4th respondent forthwith and also further direct them to pay the difference amount of salary between the petitioner and 4th respondent as from 08.12.2000 which being the date of appointment to him.

For Petitioner

: Mr.S.Kanthimathinathan

For R1 to R3

: Mr.K.Mu.Muthu

Additional Government Pleader

For R4

: No appearance

**ORDER**

Mr.S.Iyappan, Zonal Deputy Block Development Officer, Munjurai Block, Kanyakumari, is present before this Court along with files informed this Court that the writ petitioner is not at all attending duty from December 2014 onwards. Without even attending duty for the past more than 5 years, the claim is set out in the writ petition to grant amount of salary on par with the salary of the fourth respondent, who is also working as a Waterman Munjurai Panchayat Union.

2.The learned counsel appearing for the petitioner has also not secured instructions in this regard from the writ petitioner.

3.In view of the fact that the writ petitioner is not in service for the past more than 5 ½ years and he has not attended the duty for the 5 ½ years, this Court is of the opinion that he is not entitled for the claim on par with the fourth respondent. This apart, the learned Additional Government Pleader appearing on behalf of the respondent Nos.1 to 3 states that the writ petitioner was initially engaged as part-time employee and therefore, he cannot claim salary on par with the other regular employee.

4.This Court is of the considered opinion that the part-time employees appointed on temporary basis cannot claim of regular salary as applicable to the permanent employee is working in Panchayat.

5.This being the principles to be followed, the writ petitioner has not established any acceptable legal ground for the purpose of considering the relief as such sought for in the present writ petition.

6.In view of the above, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Kanyakumari District,
Nagercoil.



2.The Block Development Officer,
Village Panchayat,
Munjurai Panchayat Union,
Pudukkadai Post,
Kanyakumari District.

3.The President,
Thoothur Village Panchayat,
Poothurai Post,
Kanyakumari District-629176.

+1CC TO MR.S.RAMAKRISHNAN, Advocate Sr. No.72624

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 72808

W.P. (MD) No.17213 of 2014

and

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KMV(CO)

TR (16.07.2019) 3P 6C