



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.17072 of 2020

N.Muniyandi

... Petitioner

-Vs-

1.State of Tamil Nadu

rep., by its Secretary to the Government,
Department of Home Affairs (Police),
Fort St.George, Chennai-9.

2.The Director General of Police,

(Administration)

Office of the Director General of Police,
Dr.Radhakrishnan Road, Santhome,
Chennai 600 004.

3.The Superintendent of Police,

Ramanathapuram District,
Ramanathapuram.

4.The Deputy Superintendent of Police,

Muthukulathoor Police Circle,
Muthukulathoor,
Ramanathapuram District.

5.The Inspector of Police,

Kadaladi Police Station,
Kadaladi, Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to disburse the retirement benefits and monthly pension and consequently direct the respondents to consider the petitioner's representation dated 24.02.2020.

For Petitioner

: Mr.K.Vadivelu

For Respondents

: Mr.M.Jeyakumar

Additional Government Pleader



ORDER

The writ petition has been filed for a Writ of Mandamus, to direct the respondents to disburse the retirement benefits and monthly pension and consequently direct the respondents to consider the petitioner's representation dated 24.02.2020.

2.Heard Mr.K.Vadivelu, learned counsel for the petitioner and Mr.M.Jeyakumar, learned Additional Government Pleader, who took notice on behalf of the respondents.

3.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner joined as Part-time Sweeper in the year 1986 at Kadaladi Police Station. At the time of joining duty his payment was fixed at Rs.445/- per month and thereafter, the Government issued G.O.Ms.No.580 dated 04.07.2002 and fixed Rs.900/- per month on a consolidated basis and the same was received by the petitioner. The petitioner continued his service without any service break for a period of 23 years. Thereafter, the Government issued yet another Government Order in G.O.Ms.No.653 stating that the basic servants, who completed more than ten years service, were brought under regular time scale of pay. The second respondent passed a proceedings in Na.Ka.No.120710/NGP2(3)/2009 dated 07.10.2009 regularizing 38 sweepers including the petitioner and they were brought under the regular time scale of pay with effect from 01.08.2009. Under these circumstances, the fourth respondent allowed the petitioner to retire from service on 31.12.2019 due to attaining of superannuation without any monetary benefits.

5.According to the petitioner, he is entitled to get retirement benefit and pension taking into 50% of service rendered in consolidated pay from the year 1986 to 31.07.2009 along with regular service from 01.08.2009 to 31.12.2019. Therefore, the petitioner made a representation dated 24.02.2020. But no action has been taken by the respondents so far. Therefore, he approached this Court by filing the present writ petition.

6. On the other hand, Mr.M.Jeyakumar, learned Additional Government Pleader submitted that as per the Full Bench judgment of this Court in the case of **Government of Tamil Nadu Vs. R.Kaliyamoorthy** reported in (2020) 2 MLJ 369, wherein it has been held that the persons, whose services have been regularised upto 01.04.2003, 50% of temporary their services can be taken into consideration for the purpose of providing the pensionary benefits. However, in the present case, the petitioner's service was regularised in the year 2009. Therefore, he is not eligible to get 50% of the pensionary benefits.



7. Per contra, the learned counsel for the petitioner contended that as per '**Umadevi case**', the petitioner is entitled for regularization after ten years of service having completed by the petitioner in the year 1996. It is on the part of the respondents to regularise the petitioner's service in terms of the **Umadevi case** rendered by the Hon'ble Apex Court. Therefore, the same cannot be blamed on the petitioner.

8. In view of the above said fact, the second respondent is directed to dispose the representation of the petitioner dated 24.02.2020 taking 50% of petitioner's temporary service for the purpose of providing the monetary benefits by taking into consideration of the 20 years of service rendered by the petitioner till the year 2006, in which year the petitioner's service has to be regularised as per the judgment of the Hon'ble Apex Court in the case of **Umadevi**, in which it has been held that the persons, those who have completed ten years of service, have to be regularised as onetime measures, within a period of eight(8) weeks from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Department of Home Affairs (Police),
Fort St. George, Chennai-9.
2. The Director General of Police,
(Administration)
Office of the Director General of Police,
Dr. Radhakrishnan Road, Santhome,
Chennai 600 004.
3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.



4.The Deputy Superintendent of Police,
Muthukulathoor Police Circle,
Muthukulathoor,
Ramanathapuram District.

5.The Inspector of Police,
Kadaladi Police Station,
Kadaladi, Ramanathapuram District.

+1 CC to Mr.K.VADIVELU, Advocate (SR-23247[F] dated 30/11/2020)

+1 CC to SPL GP (SR-23521[F] dated 01/12/2020)

W.P.(MD).No.17072 of 2020
27.11.2020

VB (30.12.2020) 4P 8C