



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.5848 of 2015

S.Dhuraaisamy

... Petitioner

Vs.

1.The Director of Town Panchayats,
Kuralagam,
Chennai-108.

2.The Assistant Director of Town Panchayats,
Collectorate,
Nagercoil.

3.The Executive Officer,
Puthalam Town Panchayat,
Puthalam & Post,
Kanyakumari District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide the petitioner pensionary benefits taking into account 50 percent of the service on temporary basis before regularisation on 23.06.2006.

For Petitioner	: Mr.C.T.Perumal
For R1 & R2	: Mr.V.Anand
	Government Advocate
For R3	: Mr.M.Govindan

ORDER

The relief sought for in the present writ petition is to direct the respondents to provide the petitioner's pensionary benefits taking into account 50 percent of the services on temporary basis before regularisation on 23.06.2006.

2.The petitioner was appointed as Drinking Water Attender in the third respondent Town Panchayat on daily wage basis. He was subsequently promoted to the post of Office Assistant in the regular time scale of pay. The services of the petitioner were regularised as Meter Reader with effect from 23.06.2006 in a time scale of pay. The petitioner retired from service on 31.05.2014.

3.The grievances of the petitioner is that the temporary services rendered by him has not been taken into account for the purpose of calculating the qualifying services for grant of pensionary benefits. The Hon'ble Full Bench of the Madras High



Court settled the issues regarding the counting of 50% of the services with reference to Rule 11(4) of the Tamil Nadu Pension Rules, 1978 in W.A.No.158 of 2016 etc., batch, dated 03.12.2019.

4.The respondents are directed to consider the case of the petitioner with reference to the Judgment of the Hon'ble Full Bench of this Court in W.A.No.158 of 2016 etc., batch, dated 03.12.2019 and pass orders as expeditiously as possible.

5.With these directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

To

1.The Director of Town Panchayats,
Kuralagam,
Chennai-108.

2.The Assistant Director of Town Panchayats,
Collectorate,
Nagercoil.

3.The Executive Officer,
Puthalam Town Panchayat,
Puthalam & Post,
Kanyakumari District.

+1 CC to M/s.C.T. PERUMAL, Advocate (SR-23073[F] dated 27/11/2020)

+1 CC to M/s.GP (SR-23157[F] dated 27/11/2020)

W.P.(MD)No.5848 of 2015
26.11.2020

—
PU(CO)

KK(03.12.2020) 2P 6C