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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.5674 of 2020  
and W.M.P.No.6610 of 2020

(Through Video Conferencing)

N.Irudayanathan

.. Petitioner

vs.

1. The Principal Secretary,  
Municipal Administration & Water Supply Department,  
Government of Tamil Nadu,  
Fort St.George, Chennai 600 009.
2. The Director,  
Town Panchayats,  
Kuralagam, Chennai 600 108.
3. The Deputy Director,  
Town Panchayat,  
Cuddalore Zone, Cuddalore & District.
4. The District Collector,  
Kallakurichi District,  
Kallakurichi.
5. The Commissioner,  
Kallakurichi Municipality,  
Kallakurichi & District,  
The Then  
The Executive Officer,  
Special Grade Town Panchayat  
Kallakurichi,  
Villupuram District.
6. The Executive Officer,  
Special Grade Town Panchayat,  
Ulundurpet, Kallakurichi District.

.. Respondents



Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to approve the petitioner's promotion and appointment as a Tractor Driver vide proceedings of the 5<sup>th</sup> respondent in Na.Ka.No.1907/1997 dated 05.05.1998 and to pay the petitioner as Tractor Driver - Scale of pay with retrospective effect from 05.05.1998 .

For Petitioners : M/s.Parvin Banu  
For R1 to R4 : Mr.L.S.M.Hasan Fizal  
Government Advocate.  
For R5 : Mr.Lourdu Paul Maurya  
For R6 : Mr.V.Prabu

#### O R D E R

This writ petition has been filed by the petitioner to issue a Writ of Mandamus, to direct the respondents to approve the petitioner's promotion and appointment as a Tractor Driver vide proceedings of 5<sup>th</sup> respondent in Na.Ka.No.1907/1997 dated 05.05.1998 and to pay to the petitioner Tractor Driver - Scale of pay with retrospective effect from 05.05.1998 .

2. The petitioner has already retired from service of the 5<sup>th</sup> respondent on 29.02.2021. The petitioner is receiving pension for the post of Sweeper. It is the case of the petitioner that though he was appointed as a Sweeper on daily wages with the 5<sup>th</sup> respondent, the petitioner was promoted as a tractor driver. However, the 1<sup>st</sup> respondent did not approve his promotion for the post of Tractor-driver. Hence, the petitioner has sent a representation to the respondents dated 09.01.2020. Since it did not yield any positive response, the petitioner has come forward with the present writ petition.

3. Considering the above, the respondents are directed to pass appropriate orders on merits in accordance with law, within a period of three months from the date of receipt of a copy of this order after examining as to whether the petitioner had indeed served as a tractor-driver at the time of his superannuation with the 5<sup>th</sup> respondent. If so, his pension may be revised based on the last drawn pay/salary in accordance with the provision of the Tamil Nadu Pension Rules, 1978, if applicable.



4. This writ petition is disposed with the above direction.  
No costs. Consequently, connected miscellaneous petition is  
also closed.

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Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The Principal Secretary,  
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The Executive Officer,  
Special Grade Town Panchayat  
Kallakurichi,  
Villupuram District.
6. The Executive Office,  
Special Grade Town Panchayat,  
Ulundurpet, Kallakurichi District.



+2cc to Mr.R.Prabhudoss, Advocate, S.R.No.41890  
+1cc to Mr.S.Thangavel, Advocate, S.R.No.41669  
+1cc to the Government Pleader, S.R.No.42041

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KSM(CO)  
CT(22/09/2021)