



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P. (MD)No.6433 of 2017

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A.Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by The principal,
Department of Rural Development,
State of Tamilnadu,
Secretariat Fort St. George,
Chennai-600 009.
- 2.The Director,
Diretorate of Town Panchayat,
State of Tamilnadu,
Kuralagam,
Chennai 600 108.
- 3.The Director, (LF Audit),
Office of the Director of Local Fund Audit,
State of Tamil Nadu,
4th Floor, Kuralagam,
Chennai108.
- 4.The Assistant Director of Town Panchayaths,
Department of Town Panchayaths,
Sivagangai District.
- 5.The Executive Officer,
Sayalkudi Town Panchayat,
Sayalgudi Post,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the respondents to pay pension and other retirement benefits by taking into account of 50% of the petitioner's service from 14.11.1984 to 28.05.1999 as sanitary worker along with petitioner's regular service from 29.05.1999 to 30.06.2014 to arrive at total qualifying service for pension and to disburse the pension and other arrears with interest on the basis of the Avasarakurippanai Communication sent by the



respondent No.4 to the respondent No.5 in Na.Ka.No.539/2017/D2 dated 03.03.2017 within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For R1 to R4 :Mr.M.Muthugeethaiyan
Special Government Pleader
For R5 : Mr.R.Velmurugan
(No appearance)

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ORDER

This writ petition is filed by the petitioner for a direction to the respondents to pay pension and other retirement benefits by taking into account of 50% of the petitioner's service from 14.11.1984 to 28.05.1999 as sanitary worker along with petitioner's regular service from 29.05.1999 to 30.06.2014 to arrive at total qualifying service for pension and to disburse the pension and other arrears with interest, on the basis of the Avasarakurippanai Communication sent by the fourth respondent to the fifth respondent in Na.Ka.No.539/2017/D2 dated 03.03.2017.

2.The case of the petitioner is that he belongs to Scheduled Caste, Arunthathiyar Community and he was appointed as full time daily wage sanitary worker, in Sayalkudi Town Panchayat Office, in the year 1984. The petitioner continuously worked as daily wage worker upto 31.05.1998. Thereafter, his service was regularised on 29.05.1999, by the fifth respondent and the time scale of pay was also paid to the petitioner as Sanitary Worker, till the date of his retirement ie., on 30.06.2014. While so, the State Government has issued a G.O.No.408, dated 25.08.2009 stating that at the time of calculating the service, 50 percentage of the daily wage service and 50 percentage of consolidated payment service period ought to have included to calculate for the payment of pension and retirement benefits. In order to avail such a benefit, the petitioner has made representations, dated 28.02.2017, 03.03.2017 and 27.03.2017. So far, no order has been passed. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that this Court may issue a direction to the respondents to consider the petitioner's representation, dated 27.03.2017 within the time stipulated by this Court.

4.The learned Special Government Pleader appearing for the respondents 1 to 4 has no serious objection for considering the petitioner's representation.

5.Considering the facts and circumstances of the case, this Court directs the respondents 1 to 3 to consider the petitioner's representation dated 27.03.2017 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6.With the above direction, this Writ Petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (A.S)

/ /2021

Sub Assistant Registrar(CS)

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To

1.

The principal Secaretery,
Department of Rural Development,
State of Tamilnadu,
Secretariat Fort St. George,
Chennai-600 009.

2.The Director,
Diretorate of Town Panchayats,
State of Tamilnadu,
Kuralagam,
Chennai 600 108.

3.The Director, (LF Audit),
Office of the Director of Local Fund Audit,
State of Tamil Nadu,
4th Floor, Kuralagam,
Chennai108.

4.The Assistant Director of Town Panchayaths,
Department of Town Panchayaths,
Sivagangai District.

5.The Executive Officer,
Sayalkudi Town Panchayat,
Sayalgudi Post,
Ramanathapuram District.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-10653[F] dated 12/03/2021)

+1 CC to M/s.SPL GP (SR-10874[F] dated 12/03/2021)

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11.03.2021

GS (04.05.2021) 3P 8C