



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P. (MD)No.6455 of 2017

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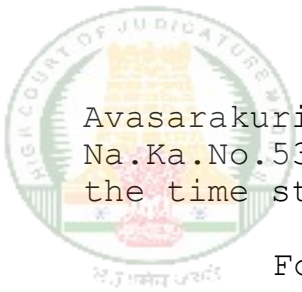
... Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Principal Secretary
Department of Rural Development,
State of Tamil Nadu
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Director
Directorate of Town Panchayats,
State of Tamil Nadu
Kuralagam
Chennai 600 108.
- 3.The Director (LF Audit)
Office of the Director of Local Fund Audit,
State of Tamil Nadu
4th Floor, Kuralagam
Chennai 108.
- 4.The Assistant Director of Town Panchayats,
Department of Town Panchayats,
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, to direct the respondent No.5 to sanction the petitioner's father pension and other pension benefits and for taking into account of 50% of the petitioner's father service from 14.11.1984 to 31.05.1998 as sanitary workers along with petitioner's father regular service from 01.06.1998 to 16.08.2009 to arrive at total qualifying service from pension and to disburse the arrears with interest on the basis of the



Avasarakuripanai communication sent by the respondent No.4 in Na.Ka.No.538/2017/D2 dated 03.03.2017 to the respondent No.5 within the time stipulated by this Court.

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

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ORDER

This writ petition is filed by the petitioner for a direction to the fifth respondent to sanction the petitioner's father pension and other pensionary benefits and for taking into account of 50% of the petitioner's father service from 14.11.1998 to 31.05.1998 as sanitary worker along with petitioner's father regular service from 01.06.1998 to 16.08.2009 to arrive at total qualifying service from pension and to disburse the arrears with interest, on the basis of the Avasarakuripanai communication sent by the fourth respondent in Na.Ka.No.538/2017/D2 dated 03.03.2017 to the fifth respondent.

2.The case of the petitioner is that his father 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's father continuously worked as daily wage worker upto 31.05.1998. Thereafter, the service of the petitioner's father 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 the death of the petitioner's father ie., on 16.08.2009. 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 period 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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Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary
Department of Rural Development,
State of Tamil Nadu
Secretariat, Fort St. George,
Chennai-600 009.

2. The Director
Directorate of Town Panchayats,
State of Tamil Nadu
Kuralagam
Chennai 600 108.

3. The Director (LF Audit)
Office of the Director of Local Fund Audit,
State of Tamil Nadu
4th Floor, Kuralagam
Chennai 108.

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

+1 CC to M/s.SPL GP (SR-10871[F] dated 12/03/2021)

W.P. (MD)No. 6455 of 2017

11.03.2021

GS (18.05.2021) 3P 6C