



W.A.No.1857 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2022

CORAM

THE HONOURABLE MR. JUSTICE **PARESH UPADHYAY**
and
THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

W.A.No.1857 of 2022
and C.M.P.No.13596 of 2022

The Tamil Nadu Housing Board
rep. By its Managing Director,
Chennai – 107.

Vs.

.. Appellant

1.R.Panneerselvam
2.G.L.Hariharan
3.N.Rangasamy
4.M.Paul Pandi
5.M.Muthian
6.S.K.Gomathinayagam
7.S.A.Ramaswamy
8.D.Mani
9.J.Raghunathan
10.N.Annamalai
11.P.Mahendran
12.R.Sethuraman
13.S.Perumal
14.N.Gunasekaran
15.R.Sethumadhavan
16.C.Govindasamy
17.P.Pitchaikani
18.J.Sekar
19.T.Sriramaselvan
20.A.Vaikunta Perumal
21.A.Paramasivam
22.V.Palanisami
23.The Government of Tamil Nadu
rep. By its Secretary,
Housing and Urban Development
Department, Fort St. George,
Chennai – 9.

.. Respondents



W.A.No.1857 of 2022

Appeal filed under Clause 15 of the Letters Patent against the order dated 03.11.2007 made in W.P.No.11746 of 2014.

For Appellant	..	Mr.S.Silambanan, Addl. Advocate General assisted by Ms.S.Mythreye Chandru, Spl. Govt. Pleader
For Respondents	..	Ms.M.N.Sumathy for R1 to R22 Ms.S.Mythreye Chandru, Spl. Govt. Pleader for R23

JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 03.11.2017 recorded on W.P. No.11746 of 2014. This appeal is by the Tamil Nadu Housing Board - second respondent in the writ petition.

2. Heard Mr.S.Silambanan, learned Additional Advocate General for the appellant and Ms.M.N.Sumathy, learned advocate for the private respondents/ original writ petitioners.

3. Learned Additional Advocate General has submitted that, the writ petitioners are not entitled to the counting of 50% of their services rendered as daily wagers since their claim was not as per



W.A.No.1857 of 2022

the policy of the State and therefore the direction given by learned Single Judge is unsustainable and the same be interfered with. It is submitted that, this appeal be entertained.

4. On the other hand, learned advocate for the original writ petitioners has submitted that the writ petitioners are entitled to what is granted by learned Single Judge and therefore no interference be made by this Court. It is submitted that this appeal be dismissed.

5. Having heard learned advocates for the respective parties and having considered the material on record, this Court finds that, after hearing the parties and considering the case, learned Single Judge has in para : 8 of the order under challenge recorded as under:-

"8. In this view of the matter, the respondents are directed to re-consider the case of the writ petitioners for counting half of the services rendered by them on consolidated pay, in accordance with Rule 11 of the Tamil Nadu Pension Rules, 1978, and pass appropriate orders in this regard, within a period of twelve



W.A.No.1857 of 2022

weeks from the date of receipt of a copy of this order and communicate the same to the writ petitioners.”

6. Learned Additional Advocate General for the appellant has tendered the statement giving details of the concerned workmen, which also included the case of the present writ petitioners.

7. We find that the exercise of discretion by learned Single Judge which culminated in the final direction, as noted above, can not be said to be an error which may call for any interference in exercise of powers under Clause 15 of Letters Patent.

8. For the above reasons, this writ appeal is dismissed. No costs. Connected miscellaneous petition would not survive.

(P.U.,J.) (V.B.S.,J.)
16.08.2022

Index:No
mmi/4

To

The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai – 9.



WEB COPY



W.A.No.1857 of 2022

**PARESH UPADHYAY, J.
and
V.BHAVANI SUBBAROYAN, J.**

mmi

W.A.No.1857 of 2022

16.08.2022