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W.P.No.29475 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED:08.11.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.No.29475 of 2022**

V.Durairaj

... Petitioner

VS.

1 The Secretary to Government  
Rural Welfare Department,  
Chennai-9.

2 The Director of Rural Welfare Department  
Panagal Building, Saidapet,  
Chennai- 15.

3 The District Collector  
Pudukottai District.

4 The Commisisoner  
Aranthangi Panchayat Union  
Pudukottai District.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing, the first respondent to consider and pass orders on the representation dated 2.11.2021 regarding to extend the benefit of the G.O. Ms.No. 267 Rural Development (E7) Department dated 22.12.1999 to bring them into regular time scale of pay from the date of completion of the 10 years of contingency service i.e (6.6. 1995) in the light of orders of this Court passed in W.P. No. 33236 of 2003 dated 11.5.2011 with all service and monetary benefits.



For Petitioner : Mr.A.Baskaran  
For Respondents 1 to 3 : Mr.L.S.M.Hasan Fizal,  
Additional Government Pleader  
For Respondent 4 : Mr.V.Ravichandran  
Additional Government Pleader

### **ORDER**

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 02.11.2021 to bring him into regular time scale of pay from the date of completion of the ten years of contingency service.

2. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.V.Ravichandran, learned Additional Government Pleader accepts notice on behalf of the fourth respondent. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The petitioner claims that he was appointed as a Night Watchman under the category of contingency service on 07.06.1985. According to him,



his service was brought under the regular scale of pay with effect from 01.11.2000 instead of 07.06.1995, on the date by which, the petitioner completed ten years of service of contingency service.

4. According to the petitioner, a similarly placed person filed a writ petition namely W.P.No.33236 of 2003 seeking for bringing him into the regular scale of pay from the date of completion of his ten years of contingency service. According to the petitioner, the said writ petition came to be allowed by this Court on 11.05.2011. Being similarly placed as that of the petitioner therein, the petitioner claims that he ought to have been brought into regular time scale of pay from the date of his completion of ten years of contingency service i.e., from 07.06.1995 in view of the orders passed by this court on 11.05.2011 in W.P.No.33236 of 2006. He has given a representation on 02.11.2021 for the aforementioned purposes. Since the said representation has not been considered till date, he has filed this writ petition.

5. Heard Mr.A.Baskaran, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing



for the respondents 1 to 3 and Mr.V.Ravichandran, learned Additional Government Pleader appearing for the fourth respondent.

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6. Learned Additional Government Pleader appearing for the fourth respondent based on the available records would submit at the outset that the petitioner was retired from service in the year 2020 itself and while in service, he has chosen not to raise such a request that has been made in his representation dated 02.11.2021.

7. However, this Court is of the considered view that no prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the first and second respondents to pass final orders on the petitioner's representation dated 02.11.2021 requesting the respondent to extend the benefit of ***G.O.Ms.No.267 Rural Development (E7) Department dated 22.12.1999*** in order to bring him into regular scale of pay from the date of his completion



of ten years of contingency service i.e., from 07.06.1995 within a period of twelve weeks from the date of receipt of a copy of this Order. While passing the final orders, the respondents 1 and 2 shall give due consideration to the order dated 11.05.2011 passed in W.P.No.33236 of 2003.

9. With the aforesaid directions, this writ petition is disposed of. No costs.

08.11.2022

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Index: Yes/No

Speaking/Non-speaking orders

To

- 1 The Secretary to Government  
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Chennai-9.
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Chennai- 15.
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- 4 The Commisisoner, Aranthangi Panchayat Union  
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**ABDUL QUDDHOSE, J.**  
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