



W.P(MD)No.25705 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25705 of 2022

and

W.M.P.(MD)No.19815 of 2022

1.G.Pandi

2.T.Valli

... Petitioners

Vs.

1.The District Collector,
Kadalai,
Ramanathapuram District.

2.The Assistant Director of Town Panchayat,
Collectorate Campus,
Kadaladi – Union,
Ramanathapuram District.

3.The Executive Officer,
Keelasakkulam Panchayat,
Kadaladi – Union,
Ramanathapuram District.

4.The Block Development Officer,
Keelasakkulam Panchayat,
Kadaladi – Union,
Ramanathapuram District.

5.The President,
Keelasakkulam Village Panchayat,
Kadaladi – Union,
Ramanathapuram District.

... Respondents



W.P(MD)No.25705 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to disburse the arrears of salary to the petitioners from 01.06.2022 onwards taking into consideration of the service rendered by the petitioners and by considering the petitioners' representation dated 30.08.2022 within the period that may be stipulated by this Court.

For Petitioners : Ms.R.Geethanjali,
For M/s.Ajmal Associates.

For Respondents : Mr.J.K.Jayaseelan,
Govt. Advocate for R1 & R2.
Mr.M.Sarangan,
Addl. Government Pleader for R3 to R5.

ORDER

Heard the learned counsel on either side.

2.The issue concerns the age of retirement of the writ petitioners. Both of them are working as OHT Operator and Sanitary Worker respectively in Keelasakkulam Panchayat. The stand of the administration is that the first petitioner has already reached the age of superannuation on 31.05.2022. As regards the second petitioner, enquiry is still going on.



W.P(MD)No.25705 of 2022

3.The learned Additional Government Pleader for the respondents 3 to 5 categorically states that the salary arrears payable to the second petitioner will be disbursed at the earliest. It is admitted that the salary for few months preceding 31.05.2022 have not been disbursed to the first petitioner and the same also will be disbursed at the earliest.

4.The learned counsel for the petitioners disputes the stand taken by the learned Additional Government Pleader regarding the retirement age of the petitioners. The petitioners are permitted to submit independent representations before the fourth respondent and also place all the relevant materials to substantiate their correct age of birth. The fourth respondent will go into the same and pass final order on merits and in accordance with law within a period of four weeks after receiving such representations. The learned counsel for the petitioners on instructions states that the allegations made against the Panchayat Clerk are not pressed.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2022

Index : Yes / No
Internet : Yes/ No
ias



W.P(MD)No.25705 of 2022

G.R.SWAMINATHAN, J.

ias

To:

- 1.The District Collector,
Kadalai,
Ramanathapuram District.
- 2.The Assistant Director of Town Panchayat,
Collectorate Campus,
Kadaladi – Union,
Ramanathapuram District.
- 3.The Executive Officer,
Keelasakkulam Panchayat,
Kadaladi – Union,
Ramanathapuram District.
- 4.The Block Development Officer,
Keelasakkulam Panchayat,
Kadaladi – Union,
Ramanathapuram District.
- 5.The President,
Keelasakkulam Village Panchayat,
Kadaladi – Union,
Ramanathapuram District.

W.P(MD)No.25705 of 2022

**14.11.2022
(2/2)**