



W.P.No.9273 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.9273 of 2020

S.Vanchi

...

Petitioner

/vs/

1. The Commissioner,
Mettur Municipality,
Salem District - 636 40.

2. The Director,
O/o. Director of Municipal Administration,
Chepauk, Chennai – 600 005.

3. The District Collector,
Salem District,
Salem.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No.47/C1/2010 dated 13.01.2020 and to quash the same as illegal and to further direct the first respondent to compute the regular pension scheme from the date of the petitioner's joining.



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For Petitioner	...	Ms.P.Srividhya
For Respondents	...	Mr. G.Nanmaran
		Special Government Pleader for R3
		Mr.L.Maurya for R1 and R2

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No.47/C1/2010 dated 13.01.2020 and to quash the same as illegal and to further direct the first respondent to compute the regular pension scheme from the date when the petitioner joined duty.

2. The learned counsel for the petitioner submitted that the petitioner joined in services of the first respondent Municipality on 22.07.1967 as a Writer on daily wage basis and he got promoted as Section Writer from the year 1972 and his services were regularized on 25.01.1993; thereafter he was employed as a Tax Collector on 24.09.1999 and he retired as Revenue Assistant on 30.09.2003 on superannuation; despite the petitioner has been rendering services and his services has been taken into account from the year 1967 for the purpose of computing gratuity in accordance with the order of the Labour Commissioner, the petitioner has not been given with pension by



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considering his service from the year 1967. Hence the petitioner has filed this petition seeking appropriate orders.

3. The learned Special Government Pleader submitted that despite the petitioner has been working in various posts on temporary basis, she was appointed as Revenue Assistant on consolidated basis by the proceedings of the first respondent dated 24.09.1999 based on G.O.Ms.No.125 MAWS Department dated 27.05.1999; according to the said order, the proceedings has been issued on 24.09.1999; so in the order itself it has been clearly stated that if the benefit of absorbing those persons who have been working on daily wage basis for consolidated pay, their previous temporary service should not be taken into consideration; only by accepting the said conditions, the petitioner had joined as a Revenue Assistant in the consolidated pay of Rs.2,000/- and he was brought in the time scale of pay of Rs.2610-60 3150-65-3540 by the proceedings of the first respondent in R.O.C.No.5598/99/C1 dated 23.04.2001; having accepted the appointment in pursuant to the proceedings of Mettur Municipal Commissioner dated 24.09.1991, now the petitioner has come out with the claim stating that his temporary services



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should also be included for calculating his pension.

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4. The proceedings dated 24.09.1999 has been issued taking into consideration of the Government Order in G.O.Ms.No.125 MAWS dated 27.05.1999. The said Government Order stipulates that the daily wages can be taken for granting consolidated pay provided their earlier temporary services as daily wager are not taken into account. Just because the respondents did not challenge the orders of the Labour Commissioner by considering the services of petitioner as daily wager for the purpose of gratuity, this Court cannot pass any orders in contrary to the Government Orders. Hence, I find no reason to quash the impugned order passed by the first respondent.

5. In view of the above stated reasons, this Writ Petition is dismissed.

No costs.

05.10.2023

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To:

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1. The Additional Chief Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai – 9.
2. The Director of Rural Development Department,
Panagal Building, Saidapet,
Chennai – 600 015.
3. The District Collector,
Villupuram District.



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R.N.MANJULA ,J.

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