



WEB COPY



WP.No.8395 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 8395 of 2014

M.Krishnasamy

....

Petitioner

Vs

1. The Secretary to Government
of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai – 1.

2. Regional Assistant Director to
Town Panchayat,
Trichy Regional Office,
Trichy.

3. The Director of Town Panchayat,
Kuralagam Building,
Chennai – 105.

4. Director of Local Fund Audit,
Kuralagam, Chennai – 105.

5. Executive Officer,
Poolambadi Town Panchayat,
Poolambadi, Perambalur Dt.

....

Respondents

1/6



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Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant the retirement benefits and pension to the petitioner with all other attended service benefits with interest for the delayed payment from the date of my retirement.

For Petitioner : Mr.N.Hariharan Nair

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to grant the retirement benefits and pension to the petitioner with all other attended service benefits with interest for the delayed payment from the date of his retirement.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner was appointed as Sanitary worker on daily wage basis in the fifth respondent Panchayat on 07.01.1985. Thereafter, he was absorbed to the sanctioned post on consolidated pay of Rs.1,800/- per month. In the meantime, the Sanitary worker in the Poolambadi Panchayat



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had retired and on such vacancy, the petitioner was appointed in the time scale pay by the proceedings in Na.Ka.No.69 of 1998, dated 22.04.1999.

He retired from service on 31.10.2012. On retirement, his pension proposal was sent to the fourth respondent. However, it was returned for certain rectifications. After re-presentation of the said proposal, it is pending on the file of the fourth respondent for the past so many years.

4. A perusal of the counter filed by the fourth respondent reveals that certain posts were exclusively created on consolidated pay in G.O.(Ms) No.199, Municipal Administration and Water Supply Department, dated 12.08.1997, G.O.(Ms). No.84, Municipal Administration and Water Supply Department, dated 21.05.1998 for the Town Panchayat Employees who had been working on daily wages/NMR basis before 31.12.1996. As per the norms stipulated in these Government Orders, those employees appointed in the newly created posts, should require to be put into 1 year, 2 years and 3 years of service, as the case may be, in consolidated pay and after completion of the required spell in the consolidated pay, they should be brought into regular time scale of pay. The petitioner was regularised in the time scale of pay of a regular post, without regularizing him under the newly



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created post, a clarification is sought from the Director of Town Panchayat regarding his eligibility for sanction of regular pensionary benefits by a communication dated 29.10.2013. However, no clarification was received from the Director of Town Panchayat.

5. In view of the above, the third respondent is directed to consider the request made by the petitioner as per the proposal sent by the fifth respondent and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, if not already passed.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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Index:Yes/No
Internet:Yes/No
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To

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