



W.P.(MD)No.12154 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.12154 of 2020

P.Chinnaraj

: Petitioner

Vs.

- 1.The Accountant General
Office of the Accountant General,
(Accounts and Entitlements),
Tamil Nadu,
361, Anna Salai,
Teynampet,
Chennai - 600 018.
- 2.The Director of Town Panchayat,
Directorate of Town Panchayats,
Kuralagam,
Chennai - 600 108.
- 3.The Assistant Director of Town Panchayat,
Office of the District Collector,
Dindigul District.



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4. The Executive Officer
Town Panchayat Office,
Dindigul Palani Main Road,
Ayakudi, Palani Taluk,
Dindigul District.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the 2nd respondent to sanction pension by appreciating the 50 percent of service rendered by him as a temporary employee on the basis of the representation given by the petitioner, dated 08.08.2020.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondents : Mrs.Christy Theboral
Additional Government Pleader

ORDER

This writ petition has been filed to direct the 2nd respondent to sanction pension by appreciating the 50 percent of service rendered by him as a temporary employee on the basis of the representation given by the petitioner, dated 08.08.2020.



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2. The learned counsel for the petitioner submitted that the petitioner has initially appointed as a daily wager in the year 1986 and thereafter, he was brought to regular establishment in the year 2009 and subsequently, retired from service on 31.05.2020. He was paid with the contributory pension after his retirement, however, the earlier service rendered by the petitioner as daily wager and 50% of the amount was not settled in favour of the petitioner. Hence, the petitioner made a representation on 08.08.2020 and the same was not considered. Hence, the present writ petition is filed.

3. The learned Additional Government Pleader submitted that the petitioner was engaged as a contingency worker and formally appointed with time scale of pay in the existing vacancy as Sanitary Worker under G.O.Ms.No.242, Municipal Administration and Water Supply (TP1) Department, dated 10.12.2009 and he joined in the post on 29.12.2009. Since his appointment in sanctioned post was made after introduction of Contributory Pension Scheme came into effect from 01.04.2003, the



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question of sanctioning pension by appreciating 50% of service did not arise, especially, in the absence of any temporary appointment or daily wage appointment against sanctioned post. The petitioner had attained the age of superannuation on 31.05.2020 and his retirement benefits were already settled. The representation of the petitioner was considered and replied by the fourth respondent vide order, dated 31.05.2020. Hence, this writ petition may be closed as infructuous.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The facts in the present case are not in dispute. The fourth respondent stated that the petitioner's representation was already considered and the same was rejected on 31.05.2020. In view of the above, no further order is necessary in this writ petition. However, liberty is granted to the petitioner to challenge the order, dated 31.05.2020 in the manner known to law, if so advised.



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6. With the above observation, the writ petition stands disposed
of. No costs.

04.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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M.DHANDAPANI, J.

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