



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.13839 of 2018

and

W.M.P(MD)No.12574 of 2018

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M.Pappathiammal

... Petitioner

Vs.

1.The Deputy Secretary To Government,  
Adi Dravidar Welfare Department,  
Fort St.George,  
Chennai-600009.

2.The Director,  
Adi Dravidar Welfare Department,  
Chepauk,  
Chennai-600005.

3.Principal Accountant General (A&E),  
No.361, Anna Salai,  
Chennai-600 018.

4.The District Adi Dravidar Welfare Officer,  
Virudhunagar District,  
Virudhunagar.

5.The Special Tahsildar Adi Dravidar Welfare Department,  
Virudhunagar District,  
Virudhunagar.

6.The Assistant Treasury Officer,  
Sub Treasury,  
Virudhunagar District,  
Virudhunagar.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of **Writ of Certiorarified Mandamus**, calling for the records relating to the Government letter number 19661/Aa/ThiNa4/2017-1 dated 20.11.2017 issued by the 1<sup>st</sup> Respondent and the consequential orders in Na.Ka.No.Tha2/10159/2006 dated 29.11.2017 passed by the 2<sup>nd</sup> respondent and the order in Na.Ka.TTi2/10399/2006 dated 05.02.2018 passed by the 4<sup>th</sup> respondent and quash the same and direct the respondents to revise the pensionary benefits of the petitioner with effect from 01.01.1981 on the basis of the G.O.(Ms).No.250 dated 09.11.1992.



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For Petitioner : Mr.A.Puranthardhas  
For Respondents : Mr.S.R.A.Ramachandran  
Additional Government Pleader,  
for R-1, R-2, R-4 to R-6  
Mr.P.Gunasekaran,  
Standing counsel for R-3

**ORDER**

This writ petition is filed challenging the impugned order, dated 20.11.2017 and the consequential order, dated 29.11.2017 and 05.02.2018 with consequential direction to the respondents to revise the pensionary benefits of the petitioner, with effect from 01.01.1981 on the basis of the G.O.Ms.No.250, dated 09.11.1992.

2. Heard Mr.A.Puranthardhas, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, appearing for respondents 1, 2, 4 and 6 and Mr.P.Gunasekaran, learned Standing counsel for 3<sup>rd</sup> respondent. Perused the material documents available on record.

3. The petitioner was appointed as Cook, on daily wage in the Adi Dravidar Welfare Girls Hostel, Aruppukkottai, from 02.08.1977 and she was continuing the said service until 08.06.1981 and was relieved from the said post, since the said post is not sanctioned post. After sometime, the petitioner was appointed as Night Watchman on 19.06.1981 under consolidated pay and the said post is a sanctioned post.

4. In the meantime, the Government has issued G.O.Ms.No.367, Social Welfare Department, dated 08.03.1988 relaxing the rules relating to age, educational qualification in case of 154 contingent staffs and regularized their services with effect from 08.03.1988 and sanctioned 154 posts of watchman-cum-servant. Then, in G.O.Ms.No.280, Adi Dravidar and Tribal Welfare Department, dated 23.12.1993 the Government re-examined the above orders and decided to regularize the service only 110 contingent staff out of 154 staffs, with effect from 1<sup>st</sup> April of the succeeding year, after completion of five years of service by relaxing the relevant rules, wherever necessary. So that the contingent staff who were appointed prior to 14.01.1977 have been regularized. Regarding the remaining contingent staffs who were appointed after 14.01.1977 dealt within the Government Order above, the Government have decided to regularize the services of 42 persons only, who are continued to be in service as on 08.03.1988 with effect from 08.03.1988, by relaxing necessary



relevant rules. Therefore, the petitioner was brought up to the time scale of pay with effect from 08.03.1988. On voluntary retirement scheme the petitioner had retired from service on 31.04.2004 and she was paid pension benefits as applicable. On 14.09.2005 the petitioner submitted representation stating that she is entitled to pension by calculating the service from 01.01.1981 and relied on the Government has issued G.O.Ms.No.250, Adi Dravidar and Tribal Welfare Department, dated 09.11.1992, wherein it is stated 677 persons who joined prior to 21.01.1981 as Cook under Adi Dravidar and Tribal Welfare Department have been regularized with effect from 01.01.1981 and similarly 59 persons who joined after 21.01.1981 as Cook under Adi Dravidar and Tribal Welfare Department were regularized from the date of their joining after relaxation of relevant rules. But the respondent has not granted the benefits as stated in G.O.Ms.No.250, which is discriminatory. Hence the petitioner is before this Court. When the policy decision taken by the respondents to regularize the service from 01.01.1981 in G.O.Ms.No.250, and granted such benefits to 677 employees who were appointed on 21.01.1981 and subsequently to 59 employees who were appointed after 21.01.1981, but denying the same to the petitioner who was appointed on 19.06.1981 is discriminatory.

5. Therefore, this Court is of the considered opinion that the case of the petitioner ought to be considered on par with other similarly placed persons. When the Government has taken a policy decision to regularize by relaxing the rules regarding the age, qualification applicable to similarly placed persons, then the petitioner is also entitled to the same. Therefore, the impugned order, dated 20.11.2017 and the consequential orders, dated 29.11.2017 and 05.02.2018 are set hereby aside. The respondents are directed to consider the case of the petitioner on par with the similarly placed persons by invoking G.O.Ms.No.250, Adi Dravidar and Tribal Welfare Department, dated 09.11.1992, within a period of 12 weeks, from the date of receipt of a copy of the order.

6. With the above observations and directions, this writ petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl Side)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)



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To

1.The Deputy Secretary to Government,  
Adi Dravidar Welfare Department,  
Fort St. George,  
Chennai-600009.

2.The Director,  
Adi Dravidar Welfare Department,  
Chepauk,  
Chennai-600005.

3.The District Adi Dravidar Welfare Officer,  
Virudhunagar District,  
Virudhunagar.

4.The Special Tahsildar Adi Dravidar Welfare Department,  
Virudhunagar District,  
Virudhunagar.

5.The Assistant Treasury Officer,  
Sub Treasury,  
Virudhunagar District,  
Virudhunagar.

6.Principal Accountant General (A&E),  
No.361, Anna Salai,  
Chennai-600 018.

+1 CC to M/s.A.PURANTHARADHAS, Advocate ( SR-18128[F] dated 29/03/2023 )

+1 CC to M/s.SPL.GP ( SR-18570[F] dated 30/03/2023 )

**W.P. (MD) No. 13839 of 2018**  
**28.03.2023**

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