



WEB COPY



W.P.(MD)No.792 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.792 of 2017

and

W.M.P.(MD)Nos.659 of 2017 and 5446 of 2018

P.Durai

... Petitioner

vs.

1.The State of Tamil Nadu,
represented by Secretary to Government,
Municipal and Local Administration Department,
Fort St.George, Chennai-600 008.

2.The Commissioner of Municipal Administration,
Municipal and Local Administration,
Chepauk, Chennai-600 005.

3.The Commissioner,
Thanjavur Municipality,
Thanjavur District-613 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the



W.P.(MD)No.792 of 2017

WEB COPY

records pertaining to the issue of the impugned order Na.Ka.No. 8973/2012/C3, dated 03.01.2013, passed by the 3rd respondent and to quash the and to direct the respondents to fix the regular scale of pay Rs. 250-5-10-400 to the petitioner with effect from 05.11.1976 and further to direct the respondents to pay all monetary benefits including arrears of salary, allowance, revision pension benefits to the petitioner within a time as may be fixed by this Court.

For Petitioner	: No appearance
For R1 & 2	: Mr.M.Lingadurai Special Government Pleader
For R3	: Mr.P.Srinivas

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order, dated 03.01.2013, passed by the 3rd respondent and to direct the respondents to fix the regular scale of pay Rs.250-5-10-400 to the petitioner with effect from 05.11.1976 and further to direct the respondents to pay all monetary benefits including arrears of salary, allowance, revision pension benefits to the petitioner



W.P.(MD)No.792 of 2017

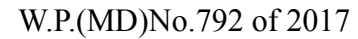
WEB COPY

within a time as may be fixed by this Court.

2. The petitioner's father died on 27.07.1976 and hereafter, he was appointed on compassionate ground on temporary basis from 05.11.1976.

3. The contention of the respondents is that the scheme of appointing legal heirs of the deceased employee was formulated in the year 1982 onwards, hence based on the scheme, the petitioner was regularized from 1987 onwards. However, the petitioner is claiming to regularize his service in the compassionate appointment from 1976 onwards.

4. This Court is of the considered opinion that when the scheme of compassionate appointment was not available, the claim of the petitioner cannot be entertained from 1976 onwards. The respondents have rightly considered the case of the petitioner from 1987 onwards and granted



<https://www.mhc.tn.gov.in/judis>
4/6



WEB COPY



W.P.(MD)No.792 of 2017

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Municipal and Local Administration Department,
Fort St.George, Chennai-600 008.
- 2.The Commissioner of Municipal Administration,
Municipal and Local Administration,
Chepauk, Chennai-600 005.



WEB COPY



W.P.(MD)No.792 of 2017

S.SRIMATHY, J

Tmg

W.P.(MD)No.792 of 2017

15.03.2023