



W.P.(MD).No.22393 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22393 of 2023

R.Sethu

...Petitioner

Vs.

1. The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Maaligai,
Saidapet,
Chennai – 600 015.

2. The District Collector,
Madurai District,
Madurai – 625 020.

3. The Block Development Officer,
Thirumangalam,
Madurai District.

4. The President,
Kandal Village Panchayat,
Thirumangalam Panchayat Union,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise the pay arising towards the difference in the salary and Dearness



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Allowance for a period from 01.12.2017 to 30.06.2023 in view of G.O.No.62, dated 11.10.2017 and pay the gratuity amount towards the service rendered totally for a period of 26 years along with interest 10% p.a., to the petitioner, on the basis of the petitioner's representation dated 24.07.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Saravanakumar
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader
For R1 and R2

ORDER

The present Writ Petition has been filed by an Overhead Tank Operator of the fourth respondent village panchayat seeking a mandamus to implement G.O.(2D) No.62, Labour and Employment (J1) Department, dated 11.10.2017 and pay the gratuity amount along with interest 10% p.a., on the basis of the petitioner representation, dated 24.07.2023.

2. Admittedly, the petitioner was appointed only on a consolidated pay in the year 1997 and he attained superannuation without his services being regularized. Therefore, he is not governed by the Tamil Nadu Pension Rules or Tamil Nadu Government Servants' Rules.



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3. Therefore, he has to be treated as a workman and for whatever benefits he is entitled to, he has to approach the concerned authorities of the Labour Department for redressal of his grievances.

4. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs.

05.10.2023

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

1. The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Maaligai,
Saidapet, Chennai – 600 015.
2. The District Collector,
Madurai District, Madurai – 625 020.
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