



W.P.No.14725 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.14725 of 2021

1. A.Elumalai
2. A.Vajravelu
3. M.Mahalingam

... Petitioners

/vs/

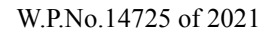
- 1.The Government of Tamilnadu
represented by the Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai – 600 009.

2. The Collector,
Kancheepuram District.

3. The Block Development Officer,
(Village Panchayats)
St. Thomas Mount Pachayat Union,
Chennai – 600 064.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to grant the petitioners pension and other retirement benefits with effect from the date



For Petitioner	...	Mr.P.Manojkumar
For Respondents	...	Mr.K.H.Ravikumar Government Advocate for R1 to R3

Heard Mr.P.Manojkumar, the learned counsel for the petitioner and Mr.K.H.Ravikumar, the learned Government Advocate for R1 to R3.

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3. The petitioners were appointed as “Sweepers” on daily wage basis and they were paid with market rate fixed by the District Collector from time to time. In the month of August, 2013, the petitioners were getting a daily wage of Rs.235/- and were required to work all the days of a month without any leave and they used to get Rs.7,050/- per month. However an order has been issued on 24.08.2013 by placing the petitioner at a special time scale of pay at Rs.1,300 - 3000 + GP 300 with effect from 07.05.2013 and to that effect a Government Order has been issued in G.O.Ms.No.39, Rural Development and Panchayat Department dated 07.05.2013.

3.1 As per the said Government Order, those wagers who have completed three years of service on daily wages or consolidated pay are entitled to get the above special time scale of pay. As the special time scale of pay was below than the daily wages paid to them for a month, the Government has issued another Government Order in G.O.Ms.No.40 Finance (Pay Cell) Department dated 22.02.2017 to revise the scale of pay and allowance and a recommendation was given by the Official Committee formed for this purpose and it has culminated into a Government Order in



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G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017. By virtue of the said Government Order, the petitioners have been given with regular time scale of pay. However the petitioners have not been given with pensionary benefits and retiral benefits on par with the Government servants.

4. It is claimed by Mr.P.Manojkumar, the learned counsel for the petitioner, that a subsequent government Order in G.O.Ms.No.313 Finance (Pay Cell) Department dated 25.10.2017 has also been issued in this regard and the same has not been implemented.

5. However, Mr.K.H.Ravikumar, the learned Government Advocate for the respondents, submitted that based on the acceptance of the recommendation of the Official Committee, the Government Order in G.O.Ms.No.348, Finance [PC] Department, dated 28.11.2017 has been issued to grant the employees in both the Government Department and Local Bodies in the special time scale of pay with the special monthly pension / lumpsum at the time of retirement as it was so granted to the



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Anganwadi workers including mini Anganwadi workers and helpers.

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5.1 It is further submitted that the petitioners who were Sweepers have been paid with special pension of Rs.2,000/- per month and with a lumpsum of Rs.50,000/- subject to the conditions laid down in the Government Order and the said order took effect from 01.10.2017; the Government initially absorbed them to special time scale of pay from daily wages and subsequently ordered for special pension to be paid to the petitioners.

6. The petitioners have not been regularized and absorbed as against substantial vacancies and treated on par with Government servants in respect of other conditions of service. Just because the petitioners have been given with a pay equivalent to that of the Government employees considering the similar nature of work, they cannot claim that they are also entitled to the regular pension as claimed by the Government employees as per the Tamil Nadu Pension Rules, 1978.



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7. So far as these petitioners are concerned, a special Government Order has been given vide G.O.Ms.No.348, Finance [PC] Department, dated 28.11.2017 under which the petitioners have been given with special pension along with lumpsum of Rs.20,000/- and the petitioners have also received the same. Hence, if the petitioners challenge the above Government Order and the said Government Order is removed, that will only go detrimental to the interest of the petitioners. The petitioners have claimed pension in accordance with G.O.Ms.No.313 Finance (Pay Cell) Department dated 25.10.2017, which is not applicable to their case.

8. In the result, this Writ Petition is dismissed. No costs.

26.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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