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W.A.No.3104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN**

Writ Appeal No.3104 of 2024

N.Palanisamy

... Appellant

-Vs-

- 1.The State of Tamil Nadu
Represented by its Secretary to Government
Home (Police) Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Accountant General (Audit-I)
Tamil Nadu, O/o.The Principal Accountant
General (Audit-I), Lekha Pariksha Bhavan
361, Anna Salai, Teynampet, Chennai 600 018.
- 3.The Director General of Police
Tamilnadu, Santhome, Chennai 600 004.
- 4.The Commissioner of Police
City Police Office, Coimbatore City
Coimbatore - 641 018.
- 5.The Seat Assistant
J-1, Section Superintendent
City Police Office, Coimbatore City
Coimbatore - 641 018.

.... Respondents



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Prayer: Writ Appeal under Clause 15 of the Letters Patent against the order dated 09.07.2024 in W.P.No.18005 of 2024.

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For Appellant : Mr.S.Saravanan
For Respondents : Mr.S.Yashwanth,
Additional Government Pleader -for R1
Mr.R.Muniyapparaj
Additional Public Prosecutor - for RR 3 to 5

J U D G M E N T

(Judgment of the Court delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order passed by the Writ Court dated 09.07.2024 in W.P.No.18005 of 2024.

2. The appellant / petitioner was appointed as part time Sweeper on daily wage basis on 30.10.1995 on a consolidated basis at Rs.60/- per month. Thereafter, the consolidated pay was increased to Rs.900/- per month by G.O.Ms.No.580 dated 04.07.2002. He had been working as part time Sweeper for 14 years and thereafter as per G.O.Ms.No.1426, Home (Pol.XV) Department dated 11.10.2007, the services of part time Sweepers, those who had completed ten years of service as on 01.01.2006, was regularized only on 01.08.2009. The appellant retired from service on 30.06.2023.

3. As per G.O.Ms.No.348 dated 28.11.2017, the employees who had been



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working on consolidated basis and subsequently regularized on special time scale of pay would be entitled to get special pension as well as lump sum disbursement of Rs.50,000/-. In this regard, a communication dated 03.06.2024 has been issued by the Office of the Commissioner of Police, Coimbatore, which has been challenged in the writ petition.

4. The learned Judge, after having considered these factors, as the appellant / writ petitioner would be entitled to get the benefit of the said special pension and lump sum disbursement as per G.O.Ms.No.348 dated 28.11.2017, recorded the said Government Order and dismissed the said writ petition, as against which the present intra Court appeal has been filed.

5. Heard Mr.S.Saravanan learned counsel for the appellant, Mr.S.Yashwanth, learned Additional Government Pleader for the first respondent and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondents 3 to 5.

6. Learned Additional Government Pleader appearing for the first respondent produced a copy of G.O.Ms.No.348 dated 28.11.2017, where the Government has decided as follows:

3. After careful examination, the Government has decided to accept the above recommendation of the Official Committee. Accordingly, Government



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direct that all employees in both Government departments and Local Bodies in the Special Time Scale of Pay shall be granted Special Monthly Pension / Lumpsum Payment at the time of retirement as detailed below:-

Sl.No.	Department / Name of Post	Special Monthly Pension (Rs.)	Lumpsum Payment (Rs.)
(1)	(2)	(3)	(4)
I.	School Education		
1.	Village Librarian	2,000	1,00,000
II.	All Government Departments / Local Bodies		
2.	Sweeper / Sanitary Workers / Scavengers	2,000	50,000
III.	Forests		
3.	Plot Watcher	2,000	1,00,000
4.	Anti Poaching Watcher	2,000	1,00,000
IV.	Police Department		
5.	Police Station Cleaner	2,000	50,000
6.	Ayah	2,000	50,000

7. In the said Government Order, the services of various categories of employees such as Village Librarian, Sweeper / Sanitary Workers / Scavengers, Plot Watcher, Anti Poaching Watcher, Police Station Cleaner, Ayah etc., was dealt with, as to how the special pension of Rs.2000/- per month has to be disbursed. Apart from the same, the amount of disbursement of lump sum disbursement of Rs.50,000/- has also been given in the Table as indicated above. Accordingly, the appellant / petitioner being a Sweeper in the Police Station under the control



of the fourth respondent is entitled to get a monthly pension of Rs.2000/- and lump sum payment of Rs.50,000/-.

8. Apart from that, the appellant is not entitled to get anything under the present Government Order which is in vogue. In order to get the said amount, proceedings dated 03.06.2024 has been issued by the fourth respondent. Hence, the challenge made against the said Government Order Ms.No.348 dated 28.11.2017 is not sustainable. Accordingly, the learned single Judge dismissed the writ petition, of course rightly. Therefore, we do not find any reason to interfere with the said order passed by the writ Court. The Writ Appeal fails and the same is liable to be dismissed.

9. However, there shall be a direction to the fourth respondent office to immediately release the lumpsum payment of Rs.50,000/- to the appellant within a period of two weeks from the date of receipt of a copy of this judgment and to take necessary steps to ensure that the monthly special pension of Rs.2000/- is regularly paid to the appellant along with the arrears of special pension from the date of superannuation till the date of such disbursement. Such payment of special pension shall be started to be paid within a period of four weeks from the date of receipt of a copy of this order.



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10. With the above observations and directions, the Writ Appeal is dismissed. No costs.

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(R.S.K.,J.) (C.S.N.,J.)
26.11.2024

NCS : Yes/No
Index : Yes/No
KST



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To

- 1.The State of Tamil Nadu
Represented by its Secretary to Government
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Tamil Nadu, O/o.The Principal Accountant
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