



W.P.(MD).No.728 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.728 of 2022
and
W.M.P(MD) No.576 of 2022

P.Chinna Muniyandi

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration &
Water Supply Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2. The Director of Town Panchayat,
Saidapet,
Chennai – 600 015.

3. The Director,
Internal Fund Audit Wing,
Combined Finance Department Office,
Building Complex,
4th Floor, Amma Valagam,
Nandanam, Chennai – 60035.

4. The Executive Officer,
Andipatti Town Panchayat,
Theni District.

... Respondents



W.P.(MD).No.728 of 2022

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of 3rd respondent herein in Na.Ka.No. 16281/Pe.O.Sa(1)/2020, dated 26.03.2021, quash the same and consequently direct the respondents herein to disburse the retirement benefits and pension payable in terms of the Tamil Nadu Pension Rules, 1978 as per the order dated 09.03.2004 made in W.P.No.5723 of 2004 on the file of the Hon'ble High Court, Madras.

For Petitioner	: Mr.K.Appadurai
For R1 to R3	: Mr.S.Shanmugavel Additional Government Pleader
For R4	: Mr.V.Om Prakash Government Advocate

ORDER

The present Writ Petition has been filed by a retired Sanitary Worker who was working under the fourth respondent Town Panchayat, seeking to quash the order dated 26.03.2021, wherein, the request of the petitioner for the benefits under the old Pension Scheme was rejected.



W.P.(MD).No.728 of 2022

WEB COPY

2. According to the learned counsel appearing for the writ petitioner, the writ petitioner along with others had filed a writ petition in W.P.No.5723 of 2004 for the relief of regularizing their services as Turn Cock Operator from the date of their initial appointment. This Court, by an order, dated 09.03.2004, disposed of the said writ petition in terms of the order passed in W.P.No.2963 of 2002, dated 14.01.2003. Based upon the said order, a consequential order was passed by the fourth respondent on 20.06.2011, regularizing the services of the writ petitioners with effect from 11.12.2010.

3. According to the learned counsel appearing for the writ petitioner, though the writ Court had directed regularization from the date of initial appointment, the fourth respondent had passed the order on 20.06.2011, regularizing the services only from 11.12.2010. When this Court has pointed out that without challenging the said order dated 20.06.2011, the present order cannot be challenged, on instructions, the learned counsel appearing for the writ petitioner sought liberty of this Court to challenge the order dated 20.06.2011.



W.P.(MD).No.728 of 2022

WEB COPY

4. Accordingly, this Writ Petition stands disposed of with liberty to the writ petitioner to challenge the order dated 20.06.2011 passed by the fourth respondent herein, if he is so advised. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

07.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.728 of 2022

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W.P.(MD).No.728 of 2022

R.VIJAYAKUMAR,J.

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W.P(MD)No.728 of 2022

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