



WP(MD)Nos.17644 to 17647 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) Nos.17644 to 17647 of 2024

W.P.(MD) No.17644 of 2024:

M.Jothimani

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration & Water Supply
(TP1) Department,
Fort St.George, Chennai – 600 009.

2.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai – 600 108.

3.The Assistant Director of Town Panchayats,
Office of the Assistant Director of Town
Panchayats, Dindigul Division,
Dindigul.

4.The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent herein to grant old pension to the petitioner in view of G.O.(D) No. 119 dated 08.03.2013, and as per the letter of the office of the 1st respondent in Letter (3Pa) No.02 dated 08.03.2023 directing to grant old pension as per provisions of Rules 2 and 11 of the Tamil Nadu Pension Rules 1978 and pay all revised and arrears of pay accordingly.

W.P.(MD) No.17645 of 2024:

P.Nagarajan

... Petitioner

Vs.

- 1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration & Water Supply
(TP1) Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai – 600 108.
- 3.The Assistant Director of Town Panchayats,
Office of the Assistant Director of Town
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Dindigul.



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4.The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to grant old pension to the petitioner in view of G.O.(D) No. 119 dated 08.03.2013, and as per the letter of the office of the 1st respondent in Letter (3Pa) No.02 dated 08.03.2023 directing to grant old pension as per provisions of Rules 2 and 11 of the Tamil Nadu Pension Rules 1978 and pay all revised and arrears of pay accordingly.

W.P.(MD) No.17646 of 2024:

P.Sounder Rajan

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration & Water Supply
(TP1) Department,
Fort St.George, Chennai – 600 009.

2.The Director of Town Panchayat,
Kuralagam Buildings,
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3.The Assistant Director of Town Panchayats,
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Dindigul.

4.The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to grant old pension to the petitioner in view of G.O.(D) No. 119 dated 08.03.2013, and as per the letter of the office of the 1st respondent in Letter (3Pa) No.02 dated 08.03.2023 directing to grant old pension as per provisions of Rules 2 and 11 of the Tamil Nadu Pension Rules 1978 and pay all revised and arrears of pay accordingly.

W.P.(MD) No.17647 of 2024:

A.Periyasamy

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration & Water Supply
(TP1) Department,
Fort St.George, Chennai – 600 009.



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2.The Director of Town Panchayat,
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Dindigul.

4.The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to grant old pension to the petitioner in view of G.O.(D) No. 119 dated 08.03.2013, and as per the letter of the office of the 1st respondent in Letter (3Pa) No.02 dated 08.03.2023 directing to grant old pension as per provisions of Rules 2 and 11 of the Tamil Nadu Pension Rules 1978 and pay all revised and arrears of pay accordingly.

For Petitioners : Mr.K.Appadurai

For Respondents : Mr.S.Shanmugavel,

Additional Government Pleader

(In all Writ Petitions)



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COMMON ORDER

Heard Mr.K.Appadurai, learned counsel appearing for the petitioners and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents.

2. Heard the learned counsel on either side.

3. The petitioners have filed these writ petitions seeking Writ of Mandamus directing the respondents to grant old pension to the petitioners in view of G.O.(D) No. 119 dated 08.03.2013, and as per the letter of the office of the 1st respondent in Letter (3Pa) No.02 dated 08.03.2023 directing the grant old pension as per provisions of Rules 2 and 11 of the Tamilnadu Pension Rules 1978 and pay all revised and arrears of pay accordingly.

4. The petitioners were appointed as sanitary workers on a consolidated pay and thereafter their services were regularized only on 23.06.2006. Challenging the same, a writ petition in W.P.(MD).No.



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15920 of 2012 was filed, wherein the impugned order therein was set aside by directing the respondents to regularize the services of the petitioners from the date of completion of three years of contingent service in terms of the Government Orders in G.O.(Ms).No.570, dated 15.11.2010 and G.O.(Ms).No.312, dated 09.08.2011, with all monetary benefits, following which, the second respondent, directed the third respondent to implement the order of this Court.

5. Implementing the aforesaid order passed by this Court, the Government has issued an Order in G.O.(D)No.119, Municipal Administration & Water Supply (TP.1) Department, dated 08.03.2013 regularizing the petitioners' services. The first respondent also through his letter dated 08.03.2023 directed the Director of Finance and Internal Audit, Chennai, to sanction old family pension for those who had been appointed after 30.04.1997, and before 01.04.2003. Since the petitioners have been appointed in the year 1998, they are eligible for sanction of old pension.



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6. The learned counsel appearing for the petitioners submitted that petitioners have been regularized even before 01.04.2003. As they have completed three years of service from the date of their appointment on consolidated pay, they are eligible for old pension scheme. He further submitted that as per Rule 1(1) of the Tamil Nadu Pension Rules, 1978, these rules will not apply to the government servants appointed on or after 01.04.2003 and hence, the petitioners are eligible for sanction of old pension. Seeking such relief, the writ petitions have been filed.

7. It is seen from the records that though by virtue of the Government Order in G.O.(D)No.119, Municipal Administration & Water Supply (TP.1) Department, dated 08.03.2013, the services of the petitioners have been regularized with effect from three years of contingent services from the date of their appointment, till date no orders have been passed. Unless such regularization order is passed, it is not known from what date onwards, the petitioners' services have been regularized. In the event of regularizing the services of the petitioners prior to 01.04.2003, it goes without saying that the petitioners will be entitled to be placed under old pension scheme.



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8. In that view of the same, the writ petitions are **disposed of**.

There shall be a direction to the respondents to take a call on the petitioners' representation to get necessary documents with regard to the claim sought for by the petitioners and pass appropriate orders in terms of G.O.(D)No.119, Municipal Administration & Water Supply (TP.1) Department, dated 08.03.2013 and settle the claim of the petitioners depending upon the date of their regularization, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

30.07.2024

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

TSG

To

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Municipal Administration & Water Supply
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2.The Director of Town Panchayat,
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R.N.MANJULA, J.

TSG

Common Order made in
W.P.(MD) Nos.17644 to 17647 of 2024

Dated:
30.07.2024