



W.P.(MD)No.17577 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.17577 of 2024

R.Narayanasamy

... Petitioner

Vs.

1.The Commissioner,
Rural Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai-15.

2.The District Collector,
Dindigul District.

3.The Block Development Officer,
Oddanchathiram Taluk,
Dindigul District.

4.The President,
Jogipatti Village Panchayat,
Oddanchathiram Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse 5 months's salary to the petitioner based on the G.O.Ms.No.63, Rural Development and Panchayat Raj (E5) Department dated 22.05.2012 and also to disburse all the monetary benefits from the date of suspension to disbanding of Makkal Nala



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Paniyalar Post (i.e.,) 29.11.2010 to 08.11.2011 with 5% interest by considering petitioner's representation dated 19.07.2023.

For Petitioner : Mr.A.Balakrishnan
for Mr.K.P.Narayankumar
For R1 & R2 : Mr.J.Ashok
Additional Government Pleader
For R3 & R4 : Mr.T.Amjadkhan
Government Advocate

ORDER

This writ petition has been filed seeking for a writ of mandamus to direct the respondents to disburse 5 months's salary to the petitioner based on the G.O.Ms.No.63, Rural Development and Panchayat Raj (E5) Department dated 22.05.2012 along with all the monetary benefits from the date of suspension to disbanding of Makkal Nala Paniyalar Post (i.e.,) 29.11.2010 to 08.11.2011 with 5% interest by considering petitioner's representation dated 19.07.2023.

2.Heard Mr.A.Balakrishnan, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the first and second respondents and Mr.T.Amjadkhan, learned Government Advocate for the third and fourth respondents.



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3.The petitioner is said to have been appointed as Makal Nala Paniyalar in pursuant to G.O.Ms.No.496, dated 02.09.1989. On 01.12.2010, he was suspended from service in view of his detention in prison for more than 48 hours in a criminal case. In the meanwhile, another Government Order in G.O.Ms.No.86 dated 08.11.2011 came to be passed for disbanding the scheme itself. Subsequently all the persons, those who have been appointed as Makkal Nala Paniyalarkal, have been relieved from service on 08.11.2011. The petitioner has not been served with any relieving order. He made a representation to the second respondent on 31.05.2012, which was replied by stating that since the petitioner was kept under suspension, the relieving order was not served upon him.

4.In the meantime, the employees under Makkal Nala Paniyalarkal Scheme had challenged the Government order in G.O.Ms.No.86 dated 08.11.2011, through which, the scheme itself was disbanded by way of filing a writ petition before this Court. In the said writ petition, the Government has given an undertaking that they are ready to give five months salary to the employees under the Scheme. In this regard, a government order in G.O.Ms.No.36, dated 22.05.2012 has also been issued for granting 5 months salary to all the Makkal Nala Paniyalargal. Since the petitioner has not been



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granted with the said salary for the period of five months, along with salary for the period under which, he was kept under suspension between 01.12.2010 to 08.11.2011, he had given a representation to the third respondent. since the same was not considered, the petitioner has filed this writ petition seeking a direction.

5.The learned Additional Government Pleader for the first and second respondents submitted that the petitioner is a contractual employee and hence, he is not entitled to any relief as claimed.

6.The fact in issue does not relate to the status of the petitioner as to whether he is a regular employee of the Government or the contractual employee. The fact remains that he has been employed under the Makkal Nala Paniyalarkal Scheme and it was in force until 08.11.2011, on which date the scheme was disbanded.

7.So far as the petitioner is concerned, he was kept under suspension in view of his involvement in a criminal case, vide proceedings dated 01.12.2010. As the petitioner is an employee under the Scheme, the respondent need not have treated him as a regular employee and placed him under suspension, as if



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the Government is going to initiate any disciplinary action against him. The petitioner continued to be under suspension till now.

8.No doubt, when some of the employees under Makkal Nala Paniyazharkal have challenged the Government order disbanding the scheme itself, the Government had undertaken to pay the five months salary to the employees and the same has also been paid by allocating funds vide Government Order in G.O.Ms.No.36, dated 22.05.2012. Now, there is no scheme of Makkal Nala Paniyazharkal.

9.The petitioner claims that he already continued to be the employee under the Makkal Nala Paniyazhar Scheme and he was kept under suspension. Hence, he is eligible to get the financial assistance on humanitarian ground offered by the Government vide G.O.Ms.No.36, dated 22.05.2012 along with the salary for the period, in which he was under suspension.

10.With regard to the period of suspension, the third respondent, who is the competent authority has to take a decision as to how the period, under which the petitioner was kept under suspension, shall be considered for payment of salary.



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11. In view of the above, this writ petition is disposed of by directing the third respondent to take a decision as to whether the petitioner is eligible for payment of salary for the period, under which he was placed under suspension. This itself will take care of the petitioner's claim in respect of the five months salary, that was allowed to the employees under the Makkal Nala Paniyalarkal Scheme, who continued to be in service till 08.11.2021. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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2. The District Collector,
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R.N.MANJULA, J.

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