



W.P.No.21958 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.21958 of 2023

A. Jothi

.. Petitioner

Versus

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai 600 009.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.

3. The Commissioner
Virudhachalam Municipality,
Virudhachalam – 606 001.
Cuddalore District.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider petitioner's representation sent on 27.02.2023 and to pay the arrears of salary to the petitioner as early as possible for the period from 01.01.2005 to 31.12.2006 and pass orders.



WEB COPY



W.P.No.21958 of 2023

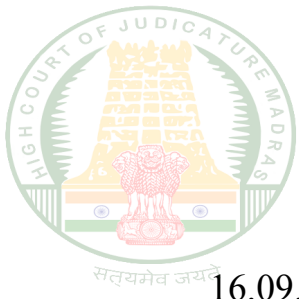
For Petitioner
For Respondents

: Mr.R. Karunakaran
: Mr.S. Rajesh,
Government Advocate

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents to consider petitioner's representation sent on 27.02.2023 and to pay the arrears of salary to the petitioner as early as possible for the period from 01.01.2005 to 31.12.2006 and pass orders.

2.The facts of the case is that the petitioner was appointed as a daily rated worker in the Virudhachalam Municipality on 01.01.1986. He worked continuously for a period of 11 years, but his services was not regularised, due to which the petitioner filed W.P.No.15137 of 2008 and this Court vide order dated 30.11.2009 allowed the writ petition with a direction to regularise the services as per G.O.Ms.No.21 dated 23.02.2006 as on 01.11.1996. Pursuant to which the 3rd respondent vide order dated 18.06.2010 in Na.Ka.No.721/2009/C1 regularised the services of the petitioner. The sum and substance of the case is that inspite of the fact that the petitioner has issued a legal notice dated



W.P.No.21958 of 2023

WEB COPY

16.09.2022 to the respondents with regard to the salary due to the him from 01.01.2005 to 31.12.2006, there was no progress in the said representation, which has given rise to this petition.

3. The learned counsel appearing for the petitioner submitted that the salary was revised and fixed as Rs.7,030/- from 01.01.2006 and as per the recommendations of sixth pay commission, the salary was enhanced to Rs.7,240/- with effect from 01.10.2006 as per order dated 23.03.2020 of the Commissioner of Virudhachalam Municipality in the proceedings of Na.Ka.No.9596/2008/H1. However, the revised salary was not paid to the petitioner. Hence, prays to allow this petition.

4. The learned standing counsel appearing for the 3rd respondent has filed a counter affidavit, wherein, it has been stated that the petitioner had retired in the year 2020 and had received all his terminal benefits and is receiving pension. After a period of 3 years, the petitioner had come with a new stand that salary was not paid to him for the year 2005-2006 i.e after 17 years. It is further stated that the period during which the



W.P.No.21958 of 2023

WEB COPY

salary is claimed is the period wherein, the petitioner was working as a daily wage worker and his salary was fixed at Rs.85 per day and all the payments to the petitioner were made through cash and the petitioner after a period of 17 years has taken a new stand that he was not paid salary from 2005-2006 which is totally false and even in the petition filed in W.P.No.15137 of 2008 to regularise the services of the petitioner he has not stated anything about non payment of salary. Hence, prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen before filing of W.P.No.15137 of 2008, to regularise the services of the petitioner, the petitioner and four others have filed W.P.No.27166 of 2005 seeking to issue a writ of mandamus to direct the respondents to pay wages due to them since January 2005 and in the said writ petition, the learned counsel appearing for the petitioner has submitted that nothing survives for further adjudication and this writ petition may be dismissed as infructuous and this Court had passed an order on 14.11.2023, wherein the writ petition was dismissed as infructuous. Furthermore as stated by the standing



W.P.No.21958 of 2023

WEB COPY

counsel, that the petitioner had retired in the year 2020 and had received all his terminal benefits and is receiving pension. After a period of 3 years, the petitioner had come with a new stand that salary was not paid to him for the year 2005-2006 i.e after 17 years.

7. In view of the above facts, it is made clear that the contentions of the petitioner is devoid of merits and the same cannot be accepted by this Court. Hence, this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs.

02.04.2025

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department, Fort St. George, Chennai 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.
3. The Commissioner
Virudhachalam Municipality,
Virudhachalam – 606 001.



WEB COPY



W.P.No.21958 of 2023

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.21958 of 2023

02.04.2025