



WEB COPY

W.A.Nos.333 & 334 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.Nos. 333 and 334 of 2025
and CMP Nos.2675, 2679 and 2680 of 2025

WA No.333 of 2025

1. The Secretary
Municipal Administration and Water Supply Department,
Fort St. George, Chennai.
2. The Director of Town Panchayats
MRC Nagar, Raja Annamalai Puram,
Chennai, Tamil Nadu 600 028.
3. The Assistant Director of Town Panchayat,
Kancheepuram Zone.
4. The Collector,
Kancheepuram District,
Kancheepuram.

...Appellants

Vs.

1. Mrs.S.B.Iruthaya Mary Stella
2. The Executive Officer,
Uthiramerur Town Panchayat,
Kancheepuram District.

... Respondents



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Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the order dated 05.01.2024 passed in WP No.10489 of 2022.

WA No.334 of 2025

1. The Secretary
Municipal Administration and Water Supply Department,
Fort St. George, Chennai.
 2. The Director of Town Panchayats
MRC Nagar, Raja Annamalai Puram,
Chennai, Tamil Nadu 600 028.
 3. The Assistant Director of Town Panchayat,
Tiruvallur Zone.
 4. The Collector,
Tiruvallur District,
Tiruvallur.
- ...Appellants

Vs.

1. Mr.V. Kamaraj
 2. The Executive Officer,
Uthukottai Town Panchayat,
Tiruvallur District.
- ... Respondents

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the order dated 05.01.2024 passed in WP No.10491 of 2022.



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W.A.Nos.333 & 334 of 2



For Appellants
(in both the petitions)

: Mr.R.Neelakandan,
Additional Advocate General
Assisted by Mr.C.Selvaraj,
Additional Government Advocate

For Respondents : Mr.T.Seenivasan,
Special Government Pleader, for R2

COMMON JUDGMENT

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The challenge in these Writ Appeals is to the order of the Writ Court made in WP Nos.10489 and 10491 of 2022.

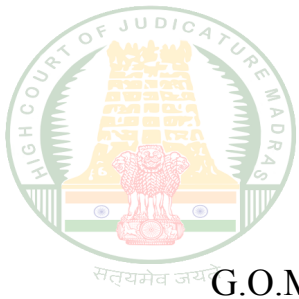
2. The petitioners, who were appointed as last grade servants in the Town Panchayats as a daily rated employees were drawn as Office Assistants on a regular basis pursuant to G.O.Ms.No.125 dated 27.05.1999. Taking into account their plight, the Government passed G.O.Ms.No.76 on 31.05.2019, providing for appointment of these Office Assistants, as Junior Assistant/Bill Collector as and when the vacancies arise.



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3. The said Government Order also specifically provided that they should be deemed to have been appointed as Junior Assistant/Bill Collector on 02.06.2001 and they will be entitled to monetary benefits only from the date of actual appointment as Junior Assistant/Bill Collector. The Government Order also takes care to mention that if there is any person in the list appended to the G.O. who had either died or retired they should be identified and after obtaining their consent proper action should be taken.

4. The names of both the petitioners were listed in the Annexure to the said G.O. in Sl. Nos. 6 and 17. Complaining that they have not been conferred with the benefits of the G.O., the petitioners moved this Court. The petitioner in WP No.10489 of 2022 challenged the order of rejection of her claim dated 04.05.2021 and also sought for a Mandamus to appoint her as a Junior Assistant/Bill Collector with notional pay fixation from 02.06.2002 and to revise and re-fix her pension and other terminal benefits. The petitioner in WP No.10491 of 2022 sought for a simple Mandamus as there was no order rejecting his request.



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5. The Writ Court on a reading of G.O.Ms.125 dated 27.05.1999 and G.O.Ms.No.76 dated 31.05.2019, concluded that the rejection of the benefit to the petitioner in WP No.10489 of 2022 is bad and while quashing the said rejection granted the Mandamus as prayed for. In WP 10491 of 2022, the Writ Court issued a Mandamus directing the respondents to grant notional pay fixation in the post of Junior Assistant/Bill Collector with effect from the date of the initial appointment i.e. 16.08.2002 and directed the Authorities to revise the pension and other terminal benefits. Aggrieved the Government is on Appeal.

6. Mr. R.Neelakandan, learned Additional Advocate General appearing for the appellants would vehemently contend that since the petitioners in both the Writ Petitions were beyond 55 years which is the maximum age for appointment as Junior Assistant/Bill Collectors on 31.05.2019, they could not be accommodated. We do not think that the fact that the petitioners have completed 58 years of age as on 31.05.2019 could be treated as a bar for their being conferred with the benefits of G.O.Ms.76 dated 31.05.2019. G.O.Ms.No.76 dated 31.05.2019 confers a certain benefit on the employees, who were worked in the Entry Level Posts in Town Panchayat, for a



considerable time i.e. from 02.06.2001 till the date of issuance of G.O. for almost 18 years.

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7. The fact that they had crossed the maximum age limit for appointment as Junior Assistant/Bill Collector cannot stand in the way since G.O. itself makes it clear that they would be deemed to have been notionally appointed in the post of Junior Assistant/Bill Collector even as on 02.06.2001 and only payment of actual monetary benefits was denied to them. Therefore, the contention that they had attained the age of 58 on the date of the G.O. would disentitle them for the benefits of the G.O. cannot be countenanced. The qualifying age, in our considered opinion, must be taken as on 02.06.2001 and not on any date subsequent. If the qualifying age is taken as on 02.06.2001 both the petitioners were less than 58 and therefore, they were entitled to be considered for appointment.

8. We therefore see no reason to interfere with the order of the Writ



Court, the Appeals fail and they are accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
18.02.2025

jv

Index : Yes/No

Neutral Citation : Yes/No

Speaking order/Non Speaking order

To

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Uthiramerur Town Panchayat,
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7. The Collector,
Tiruvallur District,
Tiruvallur.

8. The Executive Officer,
Uthukottai Town Panchayat,
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and
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