



WEB COPY

W.A.No.1755 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No. 1755 of 2025
and CMP No.13429 of 2025

1. The Salem City Municipal Corporation,
Rep. by its Commissioner, Salem,
Salem District 636 007.

2. The Salem City Municipal Corporation,
Rep. By its Assistant Commissioner,
Sooramangalam Ward Office, Salem,
Salem District.

... Appellants

Vs.

V. Kavitha

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the common order passed in WP No. 80 of 2018 and WMP No.77 of 2018
dated 14.10.2024.

For Appellants : Ms. Devi N

For Respondents : Mr.K. Selvaraj



J U D G M E N T

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

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On the claim of the respondent for the death cum retirement benefits of her deceased husband S.Selva Kennedi being unjustly rejected by an order dated 09.02.2016, she was forced to move this Court seeking a Writ of Certiorarified Mandamus. It is not in dispute that the husband of the respondent who was appointed as a Technical Assistant on daily wages from 01.10.1995, had to move this Court in WP 2417 of 2007 seeking regularisation of his services along with others, who were similarly placed.

2. This Court by an order dated 07.11.2013 allowed the Writ Petition and the operative portion of the said order reads as follows:

“7.“12. In the result, the Writ Petition is allowed as indicated above. The 1st respondent is further directed to pay the monetary benefits to the petitioners, which would arise by regularising the petitioners from 15.05.2001 and fixing their pay in the scale of pay of Rs.4500~125~7000, within a



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*period of four months from the date of receipt of a
copy of this order.”*

3. This order was subject matter of challenge in WA No.1032 of 2014 and the Division Bench of this Court by order dated 13.10.2014 dismissed the Appeal. Despite having suffered an order from this Court which specifically directs regularisation of services of the husband of the respondent from 15.05.2001, the appellant chose to reject the claim on the ground that his services were regularised after the cut of date viz. 01.04.2003.

4. The Writ Court had denounced the said submission and had directed monetary benefits to be granted bringing the husband of the respondent under the Old Pension Scheme.

5. Though Ms.Devi, learned counsel appearing for the appellants would contend that as per the service book of the deceased husband of the respondent his services were regularised only after 01.04.2003 and hence he

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cannot be brought under the Old Pension Scheme. We are unable to sustain the said contention. As we had already pointed out the issue regarding regularisation has been finally settled by a Division Bench of this Court by its order made in WA No.1032 of 2014 dated 13.10.2014, wherein the direction issued by the Writ Court to regularise the services of the husband of the respondent with effect from 15.05.2001 had been up held.

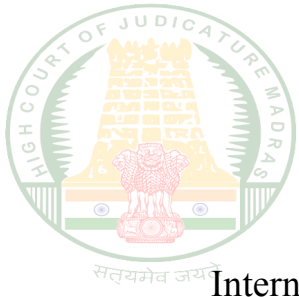
6. In view of the same, it is not open to the appellant Corporation to contend that it will take a subsequent date as a date of regularisation. The Writ Appeal fails and it is accordingly **dismissed**. There will be a direction to the Corporation to settle the benefits within a period of twelve weeks from the date of receipt of a copy of this order, failing which the Corporation will pay interest at 18% from the date of the filing of the Writ Petition in WP No.80 of 2018 till date of payment. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)

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jv

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Internet : Yes

Index : No

Neutral Citation : No

Speaking order

To

1. The Commissioner,
Salem City Municipal Corporation,
Salem,
Salem District 636 007.
2. The Assistant Commissioner,
Salem City Municipal Corporation,
Sooramangalam Ward Office, Salem,
Salem District.



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