



WA No. 2809 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WA No. 2809 of 2025 AND

CMP NO. 22689 OF 2025

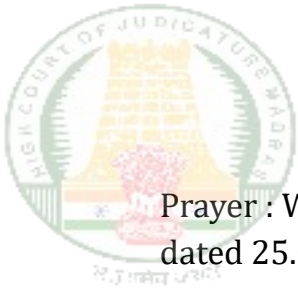
- 1.The Principal Secretary to Government
Municipal Administration And Water Supply
Department, Fort St. George, Chennai - 600 009.
- 2.The Additional Chief Secretary To Government
Municipal Administration And Water Supply
Department, Fort St. George, Chennai - 600 009.
- 3.The Director Of Town Panchayat
Kuralagam, Chennai - 600 108.
- 4.The District Collector
State Bank Road, Gopalapuram, Coimbatore - 641 018.
- 5.The Assistant Director Of Town Panchayat
Coimbatore District - 641 018.

..Appellant(s)

Vs

1. P.Aruchamy
S/o. Palanisamy No. 4, Singarampalayam Pudhu
Colony, Kinathukadavu, Coimbatore 642 109.
2. The Executive Officer
Kinathukadavu Town Panchayat, Pollachi Road,
Coimbatore - 642 109.

..Respondents



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Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the Order dated 25.06.2024 made in W.P. No. 17532 of 2022.

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For Appellants : Mr R.Neelakandan,
Additional Advocate General assisted by
Mr P.Ananda Kumar, Government Advocate

For Respondents : Mr.Jerry V.V.Sundar - for R1
Mr C.Selvaraj
Additional Government Pleader- For R2

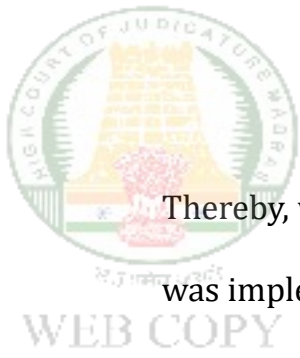
Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 25.06.2024 made in W.P.No.17532 of 2022.

2. The respondent one P.Aruchamy was the writ petitioner, who was initially engaged by order dated 05.02.1998 as sponsored by the Employment Exchange as sanitary worker in the Kinathukadavu Town Panchayat ie., the second respondent herein. He had been working in that capacity with consolidated pay for some years. Along with him, five others also had been engaged and all of them were working.

3. While that being so, in the year 2006 the appellants have come forward to bring these temporary employees on consolidated pay into time scale of pay.



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Thereby, with effect from 28.06.2006 orders to that effect has been passed, which was implemented from 30.08.2006.

4. However, during the relevant point of time the first respondent / writ petitioner since was not in service as he met with an accident and was absent for duty from 01.09.2005 to 30.06.2006, as his hip bone got fractured. After taking prolonged treatment for some months, he became fit enough to join duty and thereafter he was taken back from 01.07.2006.

5. The aforesaid facts have not been in dispute and both the parties admitted these facts. Only in the context whether the first respondent would also be entitled to get the benefit of getting the time scale of pay along with five others from 2006 onwards was the question and in this regard, the representation given by the petitioner having been considered, was rejected by the appellants on 25.03.2022, which was under challenge in the said writ petition. The learned Judge, who heard the writ petition, ultimately allowed the same by giving such a direction through the impugned order.

6. Assailing the same, the learned Additional Advocate General would submit that, it is an admitted fact that from 01.09.2005 to 30.06.2006 the first respondent / writ petitioner was out of duty and he has been unauthorisedly absent. Even though a reason has been stated that he met with an accident,



because of which his hip bone was fractured and therefore he took traditional treatment for some months, the fact remains that he had been absent from duty from 01.09.2005 to 30.06.2006. During the said period, the process of bringing the other colleagues of the writ petitioner under time scale of pay was taken up.

7. Though subsequently the writ petitioner joined duty and had been continuously working till 2022 at the time when he attained the age of superannuation of 60 years, he was not entitled to get time scale of pay by way of regularization of his service with effect from June 2006 as in the case of others, in view of the fact that his service was not available during the relevant point of time.

8. Despite this factor, according to the learned Additional Advocate General, the Writ Court through the impugned order has given a direction, directing the appellants to bring the writ petitioner under time scale of pay on par with other five employees with effect from 23.07.2006 and treat his service as regular with effect from the said date and accordingly fix his salary and other monetary benefits.

9. A further direction was also given by the learned Judge that the writ petitioner shall forthwith be reinstated into service and provided employment directly under the Town Panchayat, Kinathukadavu till his date of superannuation



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without even verifying the superannuation date. Therefore, this direction given by the learned Judge in Para 12(ii) of the order is contra to the factual matrix especially the admitted facts. Therefore, the learned Additional Advocate General seeks the indulgence of this Court.

10. We have heard the learned counsel for the first respondent, who would submit that all the six persons were employed at the same point of time by the second respondent ie., Kinathukadavu Town Panchayat by order dated 05.02.1998. Since then, all these six persons have been continuously working, including the petitioner. When that being so, during the year 2005 when he was directed to work at an underground drainage system, unfortunately he was involved in an accident, as a result of which his hip bone got fractured requiring prolonged traditional treatment for months together and that is the reason why between September 2005 and June 2006 he could not join duty and thereafter he had been continuously working. Therefore, except the break in service during the aforesaid period, from 1998 onwards till 2022 ie., till he attained the age of superannuation at the end of 60 years of age, since the writ petitioner had been continuously working he is entitled to get all the benefits, for which alone the directions had been given in the impugned order and therefore those directions given while allowing the writ petition through the impugned order does not warrant interference at the hands of the Division Bench, he contended.



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11. As has been discussed herein above, the absence of duty between September 2005 and June 2006 on the part of the first respondent / writ petitioner because of the fracture of his hip bone followed by prolonged traditional treatment is an admitted fact. During that point of time only the process of regularization of service of five others by bringing them under time scale of pay had taken place and therefore at that point of time since the writ petitioner was not available and he has been unauthorisedly absent, we cannot put the blame on the appellants as to why he has not been brought under time scale of pay.

12. However, after rejoining the service, when he made a request to the appellant Department, that could have been considered and he could have been brought under time scale of pay on par with other five people also. It is to be noted that the period between 01.09.2005 and 30.06.2006 admittedly since the writ petitioner was not in service, he is not entitled to get salary as he was working on a consolidated pay basis. However, for the remaining period he had been working continuously at the appellants' office, certainly he would be entitled to get salary on par with others ie., time scale of pay. That kind of relief cannot be denied to the writ petitioner. Therefore, to that extent the relief granted by the learned Judge through the impugned order cannot be found fault



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with. But at the same time, the monetary benefits that was directed to be paid for the whole period including the period he had been absent may not be justifiable and also the further direction to reinstate him into service in the year 2022 on attaining the age superannuation, since he has superannuated, his reinstatement in the year 2024 does not arise at all. Therefore, to that extent we are inclined to modify the order which is impugned herein to the following effect.

- (a) The impugned order dated 25.06.2024 passed by the writ Court is sustained subject to the following modification.
- (b) The first respondent / writ petitioner would be entitled to get time scale of pay only for the period he has worked with the appellant Department till he attained the age of superannuation.
- (c) For the non-working period, the writ petitioner is not entitled to get salary.
- (d) Insofar as the directions given in Para 12(ii) of the impugned order is concerned, since the first respondent / writ petitioner has already superannuated in the year 2022, that direction is hereby set aside.



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(e) With regard to other service benefits, whatever he is entitled to

as per Rules based on his entitlement to get the time scale of pay,

that alone can be calculated and paid to him.

13. With the above modifications in the impugned order dated 25.06.2024 made in W.P.No.17532 of 2022, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)
17-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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To

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Municipal Administration And Water Supply
Department, Fort St. George, Chennai - 600 009.
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