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W.P.No.22591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

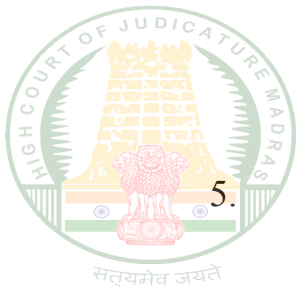
W.P.No.22591 of 2025

S.Shanmugavel

... Petitioner

Vs.

1. The Secretary to the Government,
Rural Development and Panchayat Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai - 600 015.
3. The Director,
Public Health and Preventive Medicine Department,
D.M.S. Campus,
No.361, Anna Salai,
Teynampet,
Chennai - 600 006.
4. The District Collector,
Rural Development and Panchayat Raj Department,
Mannapandal,
Mayiladuthurai District - 609 001.



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5. The District Health Officer,
Public Health and Preventive Medicine Department,
Murugamangalam,
(Old Collector Office Valagam),
Mayiladuthurai District - 609 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the 4th respondent in Na.Ka.No.0329/Voo.Va.2/2025 dated 17.03.2025 and quash the same and consequently direct the respondents to grant regular time scale of pay to the petitioner from the date of the petitioner's regularisation i.e., 22.12.1992 and pay arrears of salary and revise and re-fix pension and other retirement benefits of the petitioner accordingly.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.N.Naveen Kumar
Government Advocate for R1, R2 & R4
: Mr.K.Tippu Sultan
Government Advocate for R3 & R5

ORDER

The writ petition is filed challenging the order dated 17.03.2025, on the file of the fourth respondent and quash the same and consequently direct the respondents to grant regular time scale of pay to the petitioner from the date of the petitioner's regularisation i.e., 22.12.1992 and pay arrears of salary and revise and re-fix pension and other retirement benefits of the petitioner, accordingly.



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2. Learned Counsel for the petitioner would submit that the petitioner was brought into regular service *vide* order dated 21.12.1992 and received eligible salary. However, by taking into consideration of letter dated 19.03.2002, the respondents had recovered a sum of Rs.85,055/- during the years 2004. It is his further submission that by virtue of the order made in W.P.No. 8512 of 2007, some of the petitioners were ordered to refund the recovered amount. Hence the petitioner cannot be treated with discrimination through the impugned order.

3. However, the learned Government Advocate would strongly object the contention of the learned Counsel for the petitioner by stating that the recovery was effected in the year 2004 and the petitioner has challenged the said recovery, only after a period of 20 years and apart from that, there is a specific order in Government Letter dated 29.01.2014, that only against the petitioners in the Writ Petition No.8512 of 2007, refund was ordered and the said order cannot be enforced against other persons, those who are not a petitioner in that writ petition.



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4. Heard the learned Counsel on either side and perused the materials available on record.

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5. While looking at the facts of the case, the recovery was effected in the year 2004 itself. But the petitioner has claimed the said amount only during 2024. In this connection, learned Government Advocate would rely upon the order passed in W.P.No.8512 of 2007, wherein, the petitioners diligently pursued their right and filed the writ petition, whereas in the case of the petitioner, he left over the matter for more than 20 years and only after 20 years, he has given a representation.

In such view of the matter, there is a delay and latches set in the petitioner's claim. Therefore, this court is not inclined to interfere with the impugned order and consequently, the Writ Petition stands dismissed. No costs.

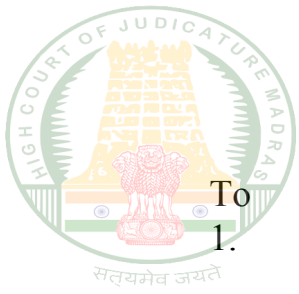
25.06.2025

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



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- To
1. The Secretary to the Government,
Rural Development and Panchayat Department,
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C.KUMARAPPAN, J.

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