



WEB COPY

WP No. 22600 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 22600 of 2019

1. P.Arumugam

S/o. Poongavanam, hindu residing at
No. 64, Anthoniar Koil Street,
Kumaraguru Nagar, Puducherry

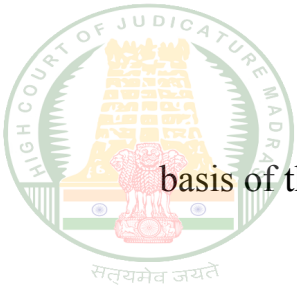
Petitioner(s)

Vs

1. Ponicherry Municipality
represented by the Commissioner
Puducherry Municipality, Puducherry

Respondent(s)

PRAYER: Writ petition is filed under Section 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondent to grant the benefit of the revised pay scale for the post of Work Inspector with arrears along with the consequential benefits of subsequent pay revision with effect from 25.5.1987 along with the financial benefits of A.C.P. as was granted in the case of other Work Inspectors and to direct the respondent to revise pension on the



basis of the above financial benefits with arrears.

WEB COPY

For Petitioner(s): V.Ajayakumar

For Respondent(s): Mr.M.Nirmal Kumar
Government Advocate
(Puducherry)

ORDER

This writ petition has been filed seeking direction to the respondent to grant the benefit of the revised pay scale for the post of Work Inspector with arrears along with the consequential benefits of subsequent pay revision with effect from 25.5.1987 along with the financial benefits of A.C.P. as granted in the case of other Work Inspectors and to revise pension on the basis of the above financial benefits with arrears.

2. The petitioner has been appointed as a daily wager in the respondent municipality and his services have been regularized on 01.11.1990 as Clause-I Mason. On 25.09.1985, 22 Mazdoors were promoted as Building Maistry Grade I through an order dated 02.07.1987. Since his name was not included in the said list, the petitioner has filed a writ petition in W.P.No.11398/1996 claiming promotion to the post of Work Inspector Grade II, with effect from 31.03.1987. This Court has passed an order in the writ petition on 03.02.2007 by holding that the post of Mazon should be considered as a feeder post in the place of Maistry and directed the respondents therein to promote the petitioner as Work

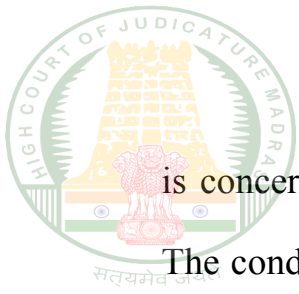


Inspector Grade II. However, the said order has not been complied.

WEB COPY

3. On 17.10.2014 the petitioner was promoted to the post of Work Inspector Grade II without giving any monetary benefits. The petitioner had attained his age of superannuation on 30.06.2013 and he retired from service. As the petitioner has not been given with any monetary benefit for his promotion to the post of Work Inspector Grade II and he has not been given with the benefit of ACP (Assured Career Progression) Scheme and MACP (Modified Assured Career Progression) Scheme, the petitioner has given a representation to the respondent and the respondent has not considered the same so far.

4. Mr.M.Nirmal Kumar, the learned Government Advocate (Puducherry) appearing for the respondent, submitted that only if the petitioner is found to be eligible for the revised pay Matrix under 6th Pay to the post of Work Inspector and for grant of ACP and MACP, the relevant proposals can be sent to the Government. However, it is submitted that the petitioner has been given with the promotion to the post of Work Inspector Grade II, with effect from 25.05.1987 and his pay was revised as per 4th and 5th CPC and arrears of the amount of Rs.1,71,894/- for the period from 25.05.1987 to 31.12.2005 has been paid. As the 6th Pay arrears for the period from 01.01.2006 to 30.06.2012 has also been disbursed, the petitioner was given with retirement benefits, earned leave encashment and commutation of pension on his retirement. So far as ACP



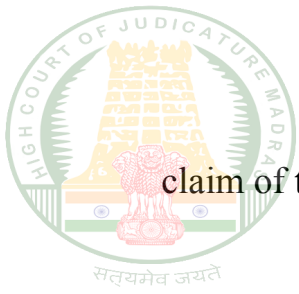
is concerned it can be awarded subject to the fulfilment of certain conditions.

The conditions qualified for ACP is more or less equivalent to the qualification to be possessed for the next level promotion. If the petitioner had possessed the qualification to be considered to the next level post of Overseer, the petitioner could have been given with the monetary benefit under ACP Scheme.

4.1 It is further submitted by the learned Government Advocate for the respondent that the petitioner does not come under the purview of granting ACP as he is not qualified to the post of Overseer. It is further submitted that the petitioner is not entitled to claim any financial benefits after his retirement in respect of promotion but only notional benefit.

5. Even though the eligibility of the petitioner for granting ACP would be as per the terms of the scheme, the fact remains that the petitioner was directed to be given with the benefit of promotion to the post of Work Inspector Grade II, and for which the respondent ought to have paid the monetary benefit to the petitioner. Since the petitioner has been protected by the Court's order, to that limited effect, the respondent shall not cut down the benefit of the petitioner arising out of the above court order.

6. So far as the awarding of ACP is concerned, the respondent might have passed an order as to whether the petitioner is eligible to get ACP & MACP. The respondent has not passed any order on merit either by allowing or rejecting the



claim of the petitioner with regard to ACP and MACP.

WEB COPY

7. The monetary benefit attached to the promotion to the post of Work Inspector on par with the persons who have joined in the year 1987 is said to have been given to the petitioner. As the petitioner has not been given with the above benefit despite the orders of the Court, I feel the respondent should be directed to consider the above claim of the petitioner and pass appropriate orders.

8. Accordingly, this writ petition is disposed by directing the respondent to consider the above claim of the petitioner and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. No costs.

24-02-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

bkn

To

1. The Commissioner,
Pondicherry Municipality
Municipality,
Puducherry.



WEB COPY

WP No. 22600 of 2





WEB COPY

WP No. 22600 of 2019



R.N.MANJULA, J.,

bkn

W.P.No.22600 of 2019

24.02.2025