



WEB COPY



W.P. No.48676 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.48676 of 2025

K. Madurai

... Petitioner

vs.

1. The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Fort. St. George,
Chennai – 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

3. The Zonal Officer,
Zone – XIII,
Greater Chennai Corporation,
Adyar,
Chennai – 600 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue Writ of Mandamus, directing the respondents to sanction and
disburse gratuity to the petitioner together with interest at 24% per annum.

For petitioner : Mr.N. Beulah John Selvaraj

For respondents : Mr.C. Selvaraj,
Addl. Govt. Pleader for R1
Ms.P.T. Ramadevi
Standing Counsel for R2 & R3



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ORDER

Mr.C. Selvaraj, learned Additional Government Pleader takes notice for the 1st respondent and Ms.P.T. Ramadevi, learned Standing Counsel takes notice for the respondents 2 and 3. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought in this writ petition is a direction to the respondents to sanction and disburse gratuity to the petitioner together with interest at 24% per annum.

3. It is stated that the petitioner was appointed as a Malaria Employee on daily wages in 1996 under the 2nd respondent Corporation. It is the case of the petitioner that though the Government issued G.O. (Ms) No.125 dated 27.05.1999 for regularisation of daily wage employees, the same was not implemented in the petitioner's case in time. As a result, his services were regularised only on 28.02.2006, after an inordinate delay of about six years. In the meantime, the Contributory Pension Scheme was introduced with effect from 01.04.2003. Due to the delayed regularisation, he was brought under the Contributory Pension Scheme, whereas it is the grievance of the petitioner that he would have been covered under the Old Pension Scheme, if the said G.O. was implemented promptly. Thus, the petitioner was deprived of old pensionary benefits, including gratuity, due to no fault of his own.



4. Aggrieved by the said deprivation, the petitioner has already filed W.P. No.4229 of 2025 seeking retrospective regularisation from 01.11.2000, which is pending before this Court. Thereafter, the petitioner retired from service on 31.01.2025 and submitted a representation dated 01.12.2025 seeking appropriate pensionary benefits, but the same has not been considered. Hence, the present writ petition has been filed with the aforesaid prayer.

5. Learned counsel for the petitioner submitted that as per G.O. (Ms) No.125, daily wage employees were entitled to regularisation of service. However, no steps were taken by the respondents to implement the said Government Order in the petitioner's case. Ultimately, the petitioner's services were regularised only on 28.02.2006, resulting in an inordinate delay of nearly six years in implementing the Government Order. He vehemently argued that if the said G.O. (Ms) No.125 had been implemented at the relevant point of time, the petitioner would have been brought under the Old Pension Scheme. Owing to the delay, the petitioner was deprived of the said benefit. Aggrieved by the same, the petitioner has filed W.P. No.4229 of 2025 seeking retrospective regularisation of past services, which is presently pending before this Court. In view of the above, he prayed for issuance of appropriate directions to the respondents for sanction as well as disbursement of gratuity to the petitioner together with interest.



6. Learned Standing Counsel appearing for the respondents 1 and 2 submitted that the petitioner's claim for gratuity can be considered only on the basis of eligibility as per the applicable service and pension rules. Therefore, he prayed for dismissal of this writ petition and this Court may issue suitable directions. .

7. This Court has carefully considered the rival submissions made on either side.

8. From the aforesaid submissions, it is clear that unless the issue of retrospective regularisation is decided, the petitioner cannot effectively pursue his claim for pensionary benefits. Further, it reveals that W.P. No.4229 of 2025 is pending before this Court, and the relief sought therein was retrospective regularisation of service. Without adjudication of the said issue, the petitioner cannot seek a positive direction for grant of such benefits at this stage in this writ petition. However, considering the grievance of the petitioner, this Court is of the view that liberty can be granted to the petitioner to work out his remedy after disposal of W.P. No.4229 of 2025. If, upon such adjudication, the petitioner is found entitled to gratuity or any other retirement benefits, the respondents shall consider the same and disburse the eligible amount, if applicable.



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9. With the above directions, this writ petition stands disposed of. No costs.

15.12.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To
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M. DHANDAPANI, J.

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