



W.P(MD)No.945 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.02.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

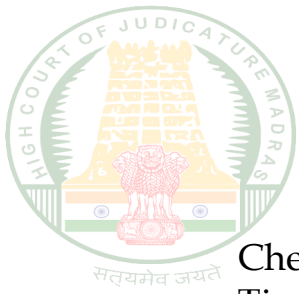
**W.P(MD)No.945 of 2011
and
M.P(MD)No.1 of 2011**

S.Arunachalam

... Petitioner

.Vs.

- 1.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Anna Salai,
Chennai.
- 2.The Director of Municipal Administration,
Chepauk,
Chennai – 600 005.
- 3.The Director,
Local Fund Audit,
4th Floor,
Kuralagam,
Chennai 600 105.
- 4.The Commissioner,
Chenkottai Municipality,



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Chenkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to direct the respondents herein to treat the Petitioner deemed to have retired from service on 31.5.2009 reckoning the case of retirement as 60 years and consequently to direct the respondents to disburse all the arrears of salary due from 31.5.2007 to 31.5.2009 and refix the pensionary and retirement benefits based on the notional date of retirement as 31.5.2009 and disburse all the arrears accrued to the Petitioner within the time frame fixed by this Court.

For Petitioner	: Mr.K.Hemakarthiskeyan
For R1,R2 & R3	: Mr.D.Gandhiraj Special.Govt. Pleader
For R4	: Mr.M.Saravanakumar

ORDER

(Order of the Court was made by **Dr.G.JAYACHANDRAN.,J**)

Arunachalam/Writ Petitioner has filed the above Writ Petition seeking issuance of a Writ of Mandamus directing the respondents to treat the Petitioner deemed to have retired from service on 31.05.2009 reckoning his retirement age as 60 years instead of 58 and to revise the pensionary and retirement benefits based on the notional date of retirement.

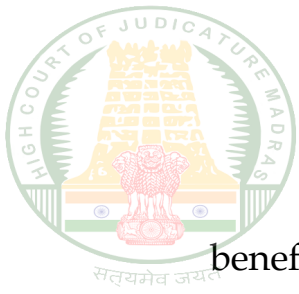


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3. The Petitioner was appointed as a Watchman in the year 1968 and his service was regularized in the year 1993. On attaining the age of 58, he was allowed to retire from service. However, taking notice of G.O.Ms.No.202, Municipal Administration and Water Supply Department, dated 16.10.2008, he has sought for notional extension of service and for consequential pensionary benefits.

4. The Writ Petitioner attained the age of 58 years on 31.5.2007 and thereafter, he was allowed to retire from service. G.O.Ms.No.202, Municipal Administration and Water Supply Department was issued on 16.10.2008 subsequent to his retirement. The above said Government Order which provides for extension of retirement age sought to be given retrospective effect by the writ Petitioner on the premise that there cannot be any discrimination between the NMR getting regularized subsequently and basic servants who entered service directly. It is also contended that laches in seeking remedy which is conferred under the statute, cannot be a ground to deny the



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benefit.

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5.This Court in similar case, had declined to grant any relief to the Petitioners, who approached the Court seeking retrospective effect to get monetary benefit. Hence the Writ Petition stands dismissed, holding that G.O.Ms.No.202, Municipal Administration and Water Supply Department, dtd 16.10.2008 cannot be given retrospective effect conferring monetary benefit which will have a financial consequences to the State Exchequer. No costs. Consequently, connected Miscellaneous Petition is closed.

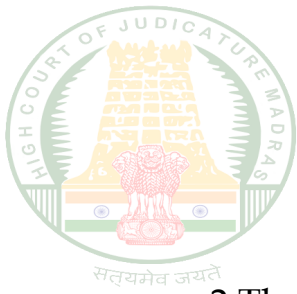
[G.J.,J.] [R.P.,J.]
18.02.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

1.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Anna Salai,
Chennai.

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4.The Commissioner,
Chenkottai Municipality,
Chenkottai,
Tirunelveli District.

DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

ORDER MADE IN

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and
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