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WP(MD)No.1451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24 .10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.1451 of 2024

K.Nadarajan

... Petitioner

/vs./

- 1.The Secretary,
Department of Rural Development and Panchayat Raj,
Fort St., George, Chennai.
- 2.The Accountant General,
No.262, Anna Salai, Chennai – 600 018.
- 3.The Director,
Rural Development and Panchayat Raj,
Saidapet, Chennai – 600 015.
- 4.The District Collector,
Kanyakumari District, Nagercoil.
- 5.The Assistant Director,
Village Panchayats,
Collector Office, Nagercoil,
Kanyakumari District.
- 6.The Block Development Officer,
Munchirai Block, Munchirai Puthukadai Post,
Kanyakumari District.
- 7.The President,
Mankadu Village Panchayat, Mankadu,
Vilavancode Taluk, Kanyakumari District.

... Respondents



WP(MD)No.1451 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 6th respondent in his proceedings ந.க.எண்.அ9/6499/2022 நாள்:29.12.2023 quash the same and direct the respondents to pay the petitioner all the attained retirement benefits and monthly pension every month from the date of retirement 12.10.2022 and pass such further order.

For Petitioner : Mr.Francis Xavier

For Respondents : Mr.F.Deepak, Spl.G.P. For RR1, 3 to 6

Mr.P.Gunasekaran Standing counsel for RR2

ORDER

This Writ Petition had been filed to quash the impugned order passed by the sixth respondent dated 29.12.2023 and consequently direct the respondents to pay all the retirement benefits to the petitioner and monthly pension every month from the date of retirement 12.10.2022 and pass such further orders.

2. The learned counsel appearing for the petitioner would submit that the petitioner was employed as a Water Supply Attender in the 7th respondent Panchayat from 01.07.1997 and this Court in W.P.(MD)Nos.6961 & 4447 of 2007 by order dated 07.11.2007 had directed the respondents including the 7th respondent herein, to treat the petitioner as validly appointed/absorbed in the 7th



WP(MD)No.1451 of 2024

respondent Village Panchayat and is entitled to get time scale of pay as fixed by the 6th respondent w.e.f., 01.07.1997 and also entitled for the arrears of salary, if any to be paid. Thereafter, he had also been given regular increments. The petitioner had superannuated from service on 31.12.2022, but however, he had not been paid any terminal benefits and he was also relieved from the services of the 7th respondent on the said date. Under the impugned order, the petitioner's claim had been rejected by holding that the petitioner was only on a time scale of pay and his services has not been regularised and that the post in which the petitioner had been working, is not a sanctioned post. Hence, the petitioner is not entitled for pension as claimed by him. He would submit that the petitioner having been appointed during 1997 and having been held to have been validly appointed by this Court as early as in the year 2007 and that the subsequent increments given by the respondents to the petitioner would clearly indicate that the petitioner had been validly absorbed and his services had been regularised. Hence, the order impugned herein is liable to be interfered with.

3.Countering his arguments Mr.F.Deepak, learned Special Government Pleader appearing for the respondents 1, 3 to 6 would submit that the petitioner had been employed as a Over Tank Operators and such post is a part time post on a consolidated basis. He would further submit that even though the petitioner was



WP(MD)No.1451 of 2024

appointed as a Full Time in the 7th respondent Panchayat, the petitioner had all along been placed only under the time scale of pay. He would categorically submit that the petitioner's services in the Department had not been regularised. He would submit that the annual increments given to the petitioner, were all only in the time scale of pay on a consolidated basis. The petitioner's services had not been regularised and that he had also not contributed to any of the pension schemes. Hence, he prays this Court to dismiss this Writ Petition.

4. I have considered submissions made by the learned counsels appearing on either side and perused the materials placed on record.

5. Even though the petitioner claims that he had been validly appointed, the petitioner's appointment was approved as early as on 26.05.1989 as a daily wage employee at Thuthoor Panchayat, and he had been absorbed in the 7th respondent Panchayat by resolution dated 14.06.1997. This Court in the earlier Writ Petitions filed by the petitioner, had held that the petitioner to be treated as validly appointed in the 7th respondent Panchayat and he is also entitled to get the time scale of pay as fixed by the 7th respondent w.e.f., 01.07.1997 and arrears of salary as payable to him. Thereafter, the petitioner had also been given time scale of pay along with grade pay and annual increments.



WP(MD)No.1451 of 2024

6. The service records produced by the petitioner would also indicate that the petitioner's services has been a full time employee and has also been granted him selection grade on 01.07.2007 and was conferred his Special Grade on 01.07.2017, i.e., on completion of 20 years of service and also had the benefits of the pay commission revisions. The aforesaid facts are all evident from his service records filed by the petitioner.

7. In such view of the matter, the claim made by the respondent that the petitioner had not been full time employment in the 7th respondent Panchayat deserves no consideration.

8. Even though, this Court by order dated 24.10.2025 had dismissed the Writ Petition by a short order, while preparing the detailed order, this Court had occasioned to see the service records produced along with the typed set of papers, where the petitioner had been conferred with Selection Grade and Special Grade on 01.07.2007 and 01.07.2017 respectively. The conferment of the Selection and Special Grade had been recorded by the sixth respondent Block Development Officer.

In such view of the matter, the short order of dismissal is recalled and for



WP(MD)No.1451 of 2024

the reasons attributed herein above, the Writ Petition stands allowed and the order impugned is set aside. However, there shall be no order as to costs.

24.10.2025

Index : Yes / No
Internet : Yes / No
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WP(MD)No.1451 of 2024

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WP(MD)No.1451 of 2024

K.KUMARESH BABU, J.

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