



W.P.(MD).No.28636 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.28636 of 2024

R.Vasanthraj

... Petitioner

-VS-

1. The Director General of Police,
The DGP Office Complex,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

2. The Commissioner of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to disperse all the monetary benefits to the petitioner as per the notification passed in 07/SSD/2002 by the 1st respondent dated 23.12.2002 based on the petitioner's representation dated 26.04.2024 within a time frame fixed by this Court.

For Petitioner : Mr.E.Subbiah Alias

For Respondents : Mr.S.R.A.Ramachandhran

Additional Government Pleader



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ORDER

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This writ petition has been filed seeking a direction to the respondents to disburse all the monetary benefits to the petitioner as per the notification passed in 07/SSD/2002 by the 1st respondent dated 23.12.2002, based on the petitioner's representation dated 26.04.2024 within a time frame fixed by this Court.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner, who is an 'Ex-Service Man', was initially appointed as 'Head Constable' on contract basis on 24.02.2004, pursuant to formation of Bomb Detection and Disposal Squad and Dog Squad, as per GO.Ms.No.826, Home (Pol.XII) department, dated 09.09.2002. Since he was appointed on contract basis, his contractual period had been extended from time to time. The petitioner's service was regularized with effect from 26.06.2007. The petitioner made a representation to the Government to absorb him permanently in the said post with effect from the date of his initial appointment, ie., from 24.02.2004. However, the same was rejected on the



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ground that the petitioner was appointed on 24.02.2004 only on contract basis and he was absorbed permanently with effect from 26.06.2007. The petitioner retired from service on attaining the age of superannuation on 31.07.2022. The case of the petitioner is that he retired from service on 31.07.2022 and now, the petitioner seeks disbursal of all monetary benefits from the date of his initial appointment as per the notification issued by the first respondent in 07/SSD/2002 dated 23.12.2002.

4. The learned Special Government Pleader appearing for the respondents, by relying upon the counter affidavit filed by the second respondent, submits that the petitioner was appointed as 'Head Constable' on contract basis on 24.02.2004 and his contractual period had been extended from time to time. The petitioner's service was regularized only with effect from 26.06.2007. The petitioner, after completion of ten years service, was given selection grade and the consequential pay benefits. Hence, the petitioner's request for disbursal of all monetary benefits from the date of his initial appointment is unacceptable.

5. When a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper



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selection as recognised by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature, for which, he cannot claim any pensionary benefits, which is admissible only with effect from the date of being permanent. Therefore, the contractual work period cannot be countenanced for the purpose of pensionary benefits. In view of the same, this Writ Petition stands dismissed. There shall be no order as to costs.

14.07.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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2. The Commissioner of Police,
Tirunelveli District,
Tirunelveli.



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VIVEK KUMAR SINGH, J.

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Order made in
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