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W.P.(MD) No.23959 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.23959 of 2018

M.Narayanan

... Petitioner

-VS-

1.The Secretary to Government
of Tamilnadu
Department of Municipal
Administration and Water Supply
Fort St.George, Chennai-01

2.The Commissioner
Municipal Administration
Ezhilagam Annexe Building
Chepauk, Chennai-05

3.Karaikudi Municipality
rep.by its Commissioner
Municipal Office
Karaikudi, Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorarified mandamus calling for the records of the third



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respondent bearing Na.Ka.No.9217/2015/Sil, dated 05.01.2016 and quash the same and consequently direct the respondents to count the half of the past service of the petitioner rendered as daily wage/NMR from 01.07.1991 to 30.11.2006 as per Rule 11(2) of Tamil Nadu Pension Rules, 1978 along with the regularised period of service from 30.11.2006 till his retirement and include the petitioner's name in the Old Pension Scheme and allot GPF Account Number consequently, directing the respondents to refund the CPS amount vide Index No.202625 collected from the petitioner along with appropriate rate of interest.

For Petitioner : Mr.S.Siva Ilayaraj

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader for R1
Mr.N.Adithya Vijayalayan for R3

ORDER

This writ petition has been filed challenging the order of the third respondent, dated 05.01.2016, rejecting the petitioner's request to count half of the past service rendered by him as daily wage / NMR from 01.07.1991 to 30.11.2006, as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978 along



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with the regularized period of service from 30.11.2006 till his retirement and include his name in the Old Pension Scheme and allot GPF account number to him.

2. As noticed from the typed set of papers, subsequent to the passing of the impugned order, dated 05.01.2016, by the third respondent, the first respondent has also rejected the petitioner's request by his order dated 08.11.2016. As seen from the same, as directed by this Court, in its order dated 16.02.2016 passed in W.P.(MD) No.3237 of 2016 filed earlier by the petitioner, his request was considered in the light of the guidelines issued in G.O.(Ms) No.125, Municipal Administration and Water Supply Department, dated 27.05.1999 and the report of the Commissioner, Karaikudi Municipality. After giving due consideration to the same, the petitioner's request was rejected by giving the following reasons:

- (a) Regarding regularization of the petitioner's service on par with one M.Padmanaban, Junior Assistant, Ramanathapuram Municipality, the said M.Padmanaban had worked on daily wage basis since 1992 and he had worked as Information



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Centre In-charge from 17.11.1998 to 22.11.1999 (i.e., at the time of issuance of G.O.(Ms) No.125, Municipal Administration and Water Supply (ME 1) Department, dated 27.05.1999), as temporary Junior Assistant from 23.11.1999 to 08.12.1999, again as Information Centre In-charge from 09.12.1999 to 30.04.2003 and thereafter, as Revenue Assistant on daily wage basis upto 28.02.2006 in Ramanathapuram Municipality.

- (b) The Commissioner, Ramanathapuram Municipality and the Commissioner of Municipal Administration had recommended to regularize the service of the said M.Padmanaban as Junior Assistant in Ramanathapuram Municipality with effect from 17.11.1998. The service of the said M.Padmanaban was regularized with effect from 27.05.2000 that too with certain conditions as per G.O.(Ms) No.125, Municipal Administration and Water Supply Department, dated 27.05.1999.



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- (c) The petitioner had worked as Road and Water Supply Worker on daily wage basis since 1991 in Karaikudi Municipality in Engineering Wing upto 2006, which is not coming under the ambit of G.O. (Ms) No.125, Municipal Administration and Water Supply Department, dated 27.05.1999. Since the petitioner had surrendered his name to the Regional Director of Municipal Administration, Madurai, his name was not included in the priority list of Regional Director of Municipal Administration, Madurai, and his name was sponsored on 11.09.2006 to Paramakudi Municipality to appoint him as Junior Assistant.

For the foregoing reasons, the first respondent, under the proceedings, dated 08.11.2016, has informed the petitioner that his request for regularization of his service as per G.O.(Ms) No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, is not feasible for compliance.



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ABDUL QUDDHOSE, J.

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