

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. Nos.387 to 392 of 2016
and
C.M.P.Nos.5651 to 5661 of 2016

1. The State of Tamilnadu,
rep by its Secretary,
Public Works Department,
Fort St. George,
Chennai-600 009.

2. The Engineer in Chief and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-5.

... Appellants in all
Writ Appeals

Vs.

B.Jayaraman

... Respondent in W.A.387 of 2016

R.Dhanasekaran

... Respondent in W.A.388 of 2016

E.Ravisankar

... Respondent in W.A.389 of 2016

G.Umapathy

... Respondent in W.A.390 of 2016

D.Rajasekaran

... Respondent in W.A.391 of 2016

R.Sundaramoorthy

... Respondent in W.A.392 of 2016

Writ Appeals preferred under Clause 15 of the Letters Patent
challenging the order dated 6.6.2013 made in W.P.Nos.5772, 5773,
5774, 5775, 5776 and 5777 of 2008.

W.P.Nos.5772 to 5775 are filed under Article 226 of the
Constitution of India, praying for the issue of a Writ of
Certiorari, calling for records relating to the 1st respondents
Government order made in G.O (2D) No.39 PWD (C2) dt 17.10.2006
to quash the same in so far as clause - 4 is concerned to the
extend the same confines the monetary benefits from the date of

issue of Government order and consequently direct the respondents to extend monetary benefits and other benefits from the date of his regularisation forthwith.

W.P.Nos.5776 & 5777 are filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the 1st respondents Government order made in G.O (2D) No.39 PWD (C2) dt 17.10.2006 to quash the same in so far as the date of regularisation as 1.7.1998 instead of 24.6.1996, clause - 4 is concerned to the extend the same confines the monetary benefits from the date of issue of Government order and consequently direct the respondents to extend monetary benefits and other benefits from the date of his regularisation forthwith.

For Appellants : Mrs.Srijayanthi,
Special Government Pleader
in all Writ Appeals

For Respondents : Mr.L.Chandrakumar
in all Writ Appeals

COMMON JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The Publics Works Department, Government of Tamil Nadu vide G.O.(2D) No.39, Public Works (C2) Department, dated 17.10.2006, considered the request of the writ petitioners / respondents herein for regularisation, who were working as N.M.R. Employees, and regularised their services with effect from the date mentioned in the said G.O against their names. However, Clause 4 of the said G.O prescribes that monetary benefits will be available only from the issuance of the said G.O., i.e., from 17th October, 2006. The writ petitioners / respondents herein preferred writ petitions, questioning the correctness of Clause 4 of the said G.O dated 17th October 2006. All writ petitions were taken up together and decided by the common order, which is under assail in this batch of appeals.

2. The question that arose for consideration before the learned Judge was as to whether the respondents herein were entitled to consequential monetary benefits from the date of regularisation or from the date of the issuance of the G.O.

3. The learned Single Judge came to the conclusion that the respondents herein are entitled to monetary benefits from the date of regularisation, not from the date of issuance of the said G.O. Hence, the State is before us.

4. The only submission advanced by the learned counsel for the appellants is that the respondents' services were regularized only on completion of ten years of service and as such, they are entitled to consequential monetary benefits only from the date of issuance of the G.O., not from the date of regularisation.

5. We have examined the facts from all facets. The issue of regularisation from the backdate is not in dispute. But, no case has been made out by the appellants as to why the respondents herein are not entitled to monetary benefits from the date of regularisation. It was for the appellants State to regularise the services of the respondents herein, depending on several factors. After the respondents herein have been granted regularisation from the backdate, in the normal course, they are entitled to consequential benefits from the date of regularisation, unless some strong case is made out for not conferring the benefits on the respondents from the date of regularisation. Neither in the G.O nor in the counter affidavit filed before the learned Single Judge, substantial case has been made out by the State appellants to take a contrary view or to deny the benefits of regularisation from the date of regularisation. The learned Single Judge has rightly come to the conclusion that the grant of regularisation from the backdate without ancillary benefits is of no relevance. It is also not stated in the government order that the regularisation is granted for other purpose, but it seems to have been granted for all consequential benefits, which include the monetary benefits. There is no infirmity or illegality in the impugned order.

6. Resultantly, the writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

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Sub Assistant Registrar

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To

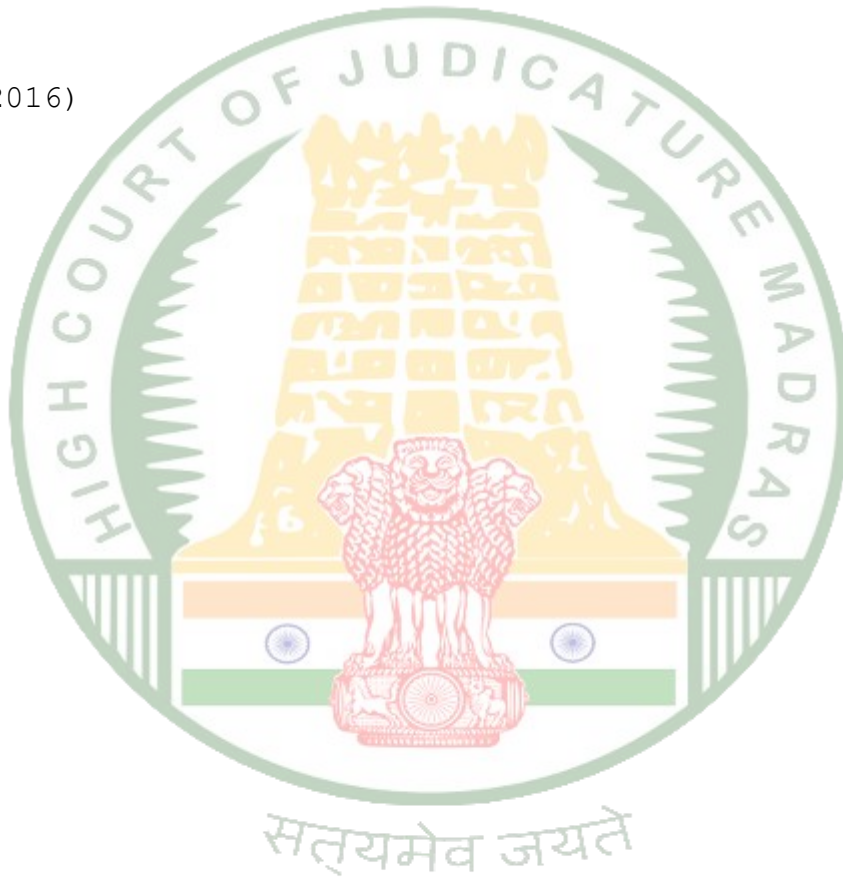
1. The Secretary,
State of Tamilnadu,
Public Works Department,
Fort St. George,
Chennai-600 009.

2. The Engineer in Chief and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-5.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.22303
+1cc to the Government Pleader, S.R.No.22186

W.A. Nos.387 to 392 of 2016

BVR(CO)
CA(27/04/2016)



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