



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2018

CORAM

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THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD).No.1833 of 2018

and

W.M.P.(MD).No.1957 of 2018

R.Koothan

...Petitioner

Vs.

1.The Principal Secretary to Government,  
Public Works Department,  
Secretariat, Chennai.

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

3.The Executive Engineer,  
Gundaru Basin Division,  
Water Resource Organization,  
Public Works Department,  
Tallakulam, Madurai-2.

...Respondents

**PRAYER:** Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the impugned G.O.(Ms).No.152, Public Works (C2) Department passed by the first respondent dated 03.07.2017 and to quash the same as illegal in respect of the impugned portion of the Government Order in Paragraph No.10 mentioned as "with monitory benefit from the date of issue of this order" and consequently direct the respondents to pay all the attendance and monitory benefits to the petitioner from the date of his regularization i.e., on 01.01.1986.

For Petitioner

: Mr.V.Thirumal

For Respondents

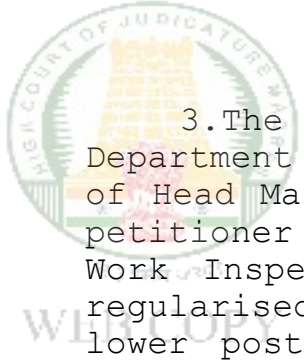
: Mr.J.Gunaseelan Muthiah

Additional Government Advocate

**ORDER**

Heard the learned counsel on either side.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.



3.The petitioner was appointed as NMR in the Public Works Department on 14.06.1975. His services were regularised in the post of Head Mazdoor with effect from 01.01.1986. The grievance of the petitioner is that at the time of regularization, he was working as Work Inspector Grade-II. His contention was that he should be regularised only in the post of Work Inspector Grade-II and not in a lower post. In this regard, he filed W.P.(MD).No.4029 of 2009. This Court by order dated 07.07.2011, passed the following order :-

"In above said circumstances, the petitioner has made out a case for issuance of a Mandamus and accordingly, a direction is issued to the respondents to regularize the services of the petitioner in the post of Works Inspector, Grade-II, with effect from 01.01.1986 and also sanction all the attendant and monetary benefits thereof."

4.This order of learned Judge was questioned in W.A.(MD).No.1095 of 2015. The Writ Appeal was dismissed on 16.02.2017. Thereafter, the petitioner filed Cont. P(MD).No.764 of 2017. At this stage, the impugned G.O.(Ms).No.152, Public Works (C2) Department, passed by the first respondent, dated 03.07.2017, came to be passed. The Government has finally regularised the petitioner for the post of Work Inspector Grade-II with effect from 01.01.1986. But monetary benefits were directed to be disbursed only from the date of Government Order. The impugned Government Order is violative of the express direction given by this Court earlier.

5.On this sole ground, the impugned Government Order is liable to be quashed in so far as it directs the disbursement of monetary benefits from the date of the Government Order.

6.The Writ Petition stands allowed as prayed for. No costs. Consequently, the connected miscellaneous petition is closed.

sd/-

Assistant Registrar (T&P)

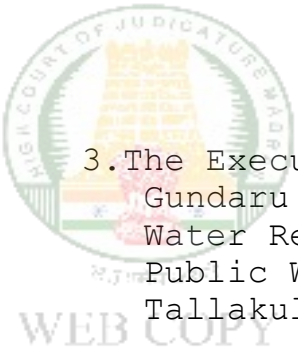
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Sub Assistant Registrar

To

1.The Principal Secretary to Government,  
Public Works Department,  
Secretariat, Chennai.

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



3.The Executive Engineer,  
Gundaru Basin Division,  
Water Resource Organization,  
Public Works Department,  
Tallakulam, Madurai-2.

+1CC to Mr.V.Thirumal, SR.NO.48457

+1CC to Special Government Pleader, SR.NO.48835.

W.P. (MD) .No.1833 of 2018

13.02.2018

TSG

PS/KKR/SAR 1/15.05.2018/3P/6C