

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.24603 and 24604 of 2013

W.P.No.24603 of 2013 :

M.Ranganathan

...Petitioner

vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Public Works Department,
Chennai.
 2. The Principal Accountant General,
(Accounts & Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai 600 016.
 3. The Assistant Executive Engineer,
Public Works Department,
Sathanur Dam Sub-Division,
Sathanur Dam - 606 706.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd Respondent to regularize the services of the Petitioner on completion of ten years, i.e. on 01.07.1994 FN duly fixing his pay in the relevant scales of pay notionally with retrospective effect till 18.10.2007 with monetary benefits from 19.10.2007 onwards till the date of his retirement, i.e. 30.06.2012 and to direct the 2nd Respondent to sanction pension and Death cum Retirement Gratuity and other terminal benefits on the date of his retirement i.e. 01.07.2012, accordingly duly counting 50% of his service rendered under NMR for pension calculation as per G.O.Ms.No.408, dated 25.08.2009 with monetary benefits from his date of retirement as per G.O.Ms.No.334, dated 19.10.2007 with interest at 12% per month for the belated payments to the Petitioner within the time frame.

(Prayer amended as per order dated 14.10.2020 passed in W.M.P.No.15832 of 2020 in W.P.No.24603 of 2013)

W.P.No.24604 of 2013 :
M.Subbarayan (Died)

1. S.Muthaiyan
2. S.Kannaki

...Petitioners

(P1 & P2 substituted as legal heirs of the deceased Petitioner vide order dated 14.10.2020 passed in W.M.P.No.15838 of 2020 in W.P.No.24604 of 2013)

vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Public Works Department,
Chennai.
2. The Principal Accountant General,
(Accounts & Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai 600 016.
3. The Assistant Executive Engineer,
Public Works Department,
Sathanur Dam Sub-Division,
Sathanur Dam - 606 706.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to regularize the services of the Petitioner and to give monetary and retrospective effect to the Petitioner from the date of completion of 10 years of service.

For Petitioner in both W.Ps. : Mr.L.Chandrakumar
for Mr.R.Suresh

For Respondents in both W.Ps. : Mr.S.Thangavel,
Special Government Pleader

COMMON ORDER

Petitioners have come up with the above Writ Petitions seeking regularization of their service and to extend monetary benefits to them with retrospective effect, from the date of completion of 10 years of NMR service.

2. Both the Petitioners herein were working in the Respondent/Public Works Department as Helper Grade - II as N.M.R. On completion of ten years of NMR service as per G.O.No.334, dated 19.10.2007, services of the Petitioner in

W.P.No.24603 of 2013 were regularized on 01.07.1994 and services of the Petitioner in W.P.No.24604 of 2013 were regularized on 01.07.1988. The grievance of the Petitioners is that, they were not given service benefits for the service rendered by them as N.M.Rs. and according to them, 50% of the NMR service period has to be considered, as per G.O.No.408, dated 25.08.2009.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. It is seen that, the Principal Accountant General has sent individual letters to the Assistant Executive Engineer, PWD, Sathanur Sub Division, Sathanur Dam, as regards the Petitioners herein, seeking a clarification that, "as per G.O.No.334, dated 19.10.2007, actual monetary benefit will accrue from the date of issuance of Government Order, i.e. from 19.10.2007 and pay has to be fixed in the minimum time scale in the pre-revised scale (i.e. 2610-60-3540) and in the revised scale i.e. 4800-10,000, G.P.4400."

5. Learned counsel for the Petitioners drew the attention of this Court to the order passed by this Court in W.P.No.13833 of 2013 in a similar circumstance, wherein, this Court disposed of the said Writ Petition, by holding as under:

"In these circumstances, this Writ Petition is disposed of, by directing the 1st Respondent to pass appropriate orders regularizing the service of the Petitioner on completion of 10 years of service and also revise the pay thereafter periodically as given to other regular employees and to grant monetary benefits from 19.10.2007, the date of issuance of G.O.No.334. The 1st Respondent is directed to complete the aforesaid exercise within a period of 12 weeks from the date of issuance of a copy of this order. If the Petitioners were granted scale of pay on completion of 10 years of service and also were given revision of pay periodically as given to other regular employees, the 1st Respondent is directed to communicate the same to the Petitioner. No costs."

6. In view of the limited relief sought by the Petitioners, without going into the merits of the case, this Court directs the Petitioners herein to make a fresh representation to the Respondents in respect of their grievance, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of fresh representation from the Petitioners, the Respondents are

directed to consider the grievance of the Petitioners herein and pass appropriate orders on merits and in accordance with law, within a period of three months.

In fine, Writ Petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary,
State of Tamil Nadu,
Public Works Department,
Chennai.
2. The Principal Accountant General,
(Accounts & Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai 600 016.
3. The Assistant Executive Engineer,
Public Works Department,
Sathanur Dam Sub-Division,
Sathanur Dam - 606 706.

+1cc to M/s.Law Square, Advocate, S.R.No.34522
+1cc to the Government Pleader, S.R.No.34379

Common Order in
W.P.Nos.24603 & 24604 of 2013

PP (CO)
KKV/20/11/2020

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