



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.5308 of 2020

N.Boopathikannan

Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Public Works Department,
Chennai - 600 009.

2. The Engineer in Chief (General)
Public Works Department,
Chepauk,
Chennai - 600 005.

3. Principal Accountant General (Accounts & Entitlement)
361, Anna Salai,
Chennai - 600 013.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to notionally fix the pay of the petitioner retrospectively with effect from the date of completion of 10 years of services as NMR's with monetary benefits from the date of the Government order date 19.10.2007, subsequently consider the petitioner representation dated 31.03.2018.

For Petitioner : Mr.K.S.Duraipandian

For Respondents : For R1 & R2 - Mr.M.Rajarajan
Government Advocate
For R3 - Mr.P.Gunasekaran
Government Advocate

O R D E R

This Writ Petition is filed to direct the respondents to notionally fix the pay of the petitioner retrospectively with effect from the date of completion of 10 years of services as NMR's with monetary benefits from the date of the Government order 19.10.2007, subsequently consider the petitioner representation dated 31.03.2018.



2. Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents 1 & 2 and Mr.P.Gunasekaran, Government Advocate takes notice for the third respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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3. The case of the petitioner is that the petitioner was appointed as NMR on 01.07.1985 in Cavery Basin at Kumbakonam. According to the petitioner, the first respondent herein passed G.O.No.334/c2 Public Works Department dated 19.10.2007 and the petitioner's job was regularized according to the above Government Order. According to the above Government order, the financial benefit will be reckoned from the date of issue of the order ie from 19.10.2007. Since no monetary benefits were given, the petitioner alongwith one Baby Sabeena and 230 others preferred a Writ Petition in W.P.No.5889 of 2009, before this Court and the same was dismissed, against which, Writ Appeals in W.A.Nos.168 and 169 of 2012 were preferred and the same was allowed, directing the respondents to notionally fix the pay of the petitioners retrospectively with effect from date of completion of 10 years of service as NMR's, with monetary benefit from the date of Government Order. As per the order of this Court, only the petitioners, who preferred Writ Appeals in W.A.Nos.168 and 169 of 2012 (243 persons) alone were benefited. The petitioner is also in the same footing and he is also entitled for the same benefits as per the above order and therefore the petitioner gave a representation dated 31.03.2018 to the respondent, for which no action has been taken and therefore the petitioner has filed the present Writ Petition.

4. Considering the limited scope of the prayer in the Writ Petition, the respondents are directed to dispose of the petitioner's representation dated 31.03.2018, in the light of the orders passed in W.A.Nos.168 & 169 of 2012, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 31.03.2018 along with a copy of the order to the respondents forthwith for speedy compliance of the order.

5. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To
1. The Principal Secretary,
The State of Tamil Nadu,
Public Works Department,
Chennai - 600 009.

2. The Engineer in Chief (General)
Public Works Department,
Chepauk,
Chennai - 600 005.

3. Principal Accountant General (Accounts & Entitlement)
361, Anna Salai,
Chennai - 600 013.

+1 CC to M/s.K.S.DURAIPANDIAN, Advocate (SR-11573[F] dated
13/03/2020)

+1 CC to M/s.SPL.GP (SR-11797[F] dated 16/03/2020)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-11942[F] dated
16/03/2020)

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