



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.21692 OF 2021

AND

W.M.P.NO.22874 OF 2021

(THROUGH VIDEO CONFERENCING)

1.R.Viswanathan
2.R.Muthumanickam
3.N.R.Balasubramani
4.S.G.Sekar

... Petitioners

Vs

The State of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 600 009.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the representation of the petitioners dated 21.03.2021 by providing suitable posts to the petitioners as per their educational qualification and to place the petitioners in the suitable posts according to their educational qualifications with all benefits as in the case of 1) G.O.(Ms).No.334 dated 19.10.2007 2) G.O.(D).No.209 dated 04.06.2009 3) G.O.(Ms).No.286 dated 06.10.2010 4) G.O.(Ms).No.351 dated 05.08.2010 and 5) G.O.(Ms).No.119 dated 29.06.2011, Public Works (C2) Department.

For Petitioners: Mr.S.Doraisamy

For Respondent : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondent.



2.The petitioners had earlier filed W.P.No.12707 of 2012 along with five other persons. The said writ petition was disposed by an order dated 22.07.2015 by directing the respondents to notionally fix the pay retrospectively with effect from date of completion of 10 years from service as NMRs with monetary benefits from the date of Government Order dated 25.07.2007. This Court has also directed the above exercise to be completed within a period of three months from the date of receipt of this order.

3.The learned counsel for the petitioner submits that aggrieved by the order, the respondents also preferred an appeal before the Hon'ble Division Bench of this court in W.A.Nos.457 of 2016, 1749 of 2014 and 839 of 2015 which came to be disposed with the following observations:

6.In view of the above factual position, we are of the considered view that the respondents are entitled to notional fixation of pay from the date of regularisation of their service and that they are entitled to monetary benefits from the date of the Government Order. Accordingly, the appellants are directed to notionally fix the pay of the respondents from the date of regularisation of their service and to grant monetary benefits from the date of the Government Order, by which the services of the respondents were regularised, within a period of three months from the date of receipt of a copy of this order.

4.It is further submitted that a similar order was also passed by a Hon'ble Division Bench of this Court on an earlier occasion in W.A.Nos.387 to 392 of 2016 and the SLP filed before the Hon'ble Supreme Court also came to be dismissed vide order dated 15.11.2016.

5.The learned counsel for the petitioner submits that though the respondents have given some of the monetary benefits and notional benefits in terms of the order, they have not been fully implemented. The petitioner has given a representation dated 21.03.2021 which has not evoked any positive response from the respondents. He further submits that the petitioner will be satisfied an appropriate orders are passed on the petitioner's representation dated 21.03.2021 by the respondent within a



period of 12 weeks from the date of receipt of a copy of this order.

6. The learned counsel for the respondent submits that appropriate orders will be passed within the aforesaid period. While disposing the aforesaid representation of the petitioners, the respondent shall also consider the fact that the petitioners have been in service from various dates and therefore order dated 22.07.2015 came to be passed in W.P.No.12707 of 2012 which stands affirmed by the decision of the Hon'ble Division Bench of this Court in W.A.Nos.457 of 2016 etc batch.

7. This writ petition stands disposed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Secretary,
Government of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai - 600 009.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.52253
+1cc to the Government Pleader, S.R.No.53221

W.P.No.21692 of 2021
and
W.M.P.No.22874 of 2021

PCH(CO)
PM/10/11/2021