



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Monday, the Nineteenth day of July Two Thousand Twenty One

PRESENT

**The Hon`ble Mr.Justice T.S.SIVAGNANAM
AND
The Hon`ble Mrs.Justice S.ANANTHI**

**SUB A(MD) . No.137 of 2021
and
CONT. P. (MD)NO.5 OF 2019**

G.Nallusamy

... Petitioner/Petitioner

Vs

1. Mr.C.Kannan
The Secretary to Government,
Public Works (C2) Department, Chennai.
2. Mr.Bhakthavatsalam,
The Chief Engineer,
(Building Construction and Maintenance),
Public Works Department,
Chepauk, Chennai - 600 005.
3. Mr.Gunasekaran,
The Superintending Engineer,
Public Works Department,
Thanjavur Circle, Thanjavur.
4. Mr.Ravi Manohar,
The Executive Engineer,
Public Works Department,
(Building and Maintenance), Thanjavur.

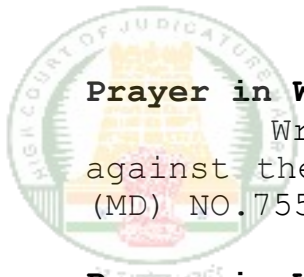
... Respondents/Contemnors

Prayer in Sub Application Petition:-

This application filed under section 151 of CPC, 1908, pleaded to pass order to re-open the Contempt Petition (MD).No.5 of 2019 which was closed on 24.11.2020.

Prayer in Contempt Petition:-

Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondents for their willful disobedience in non-compliance of the order of this Court in W.A. (MD) NO.277 of 2018 in W.P.(MD).NO.7555 of 2008 dated 19/02/2018.



Prayer in Writ Appeal:-

Writ Appeal is filed under clause 15 of Letters Patent, against the order passed by this court dated 17/02/2016 main in WP (MD) NO.7555 of 2008.

Prayer in Writ Petition:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent to quash the order passed by him vide letter No.578/08/N12/dated 23/04/2008 as illegal, discriminatory and against the Principles of natural justice and to declare that the petitioner is entitled to be regularized as Inspector (GradeII) from 01/07/1988 with all monetary benefits.

ORDER: -

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. A. Haja Mohideen, Advocate for the Petitioner and of Mr. A.K. Manikkam, Standing Counsel for Tamil Nadu State, Government Advocate for the respondents, this Court made the following order:

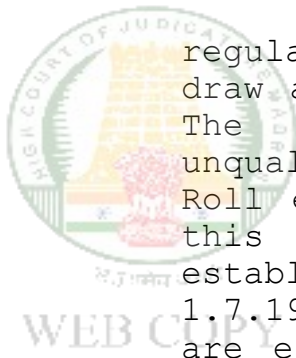
This application has been filed to reopen the Contempt Petition (MD) No.5 of 2019, which was closed by order dated 24.11.2020.

2.The grievance of the petitioner is that while granting the relief to the petitioner in G.O.(Ms) No.19 Public Works (C2) Department, dated 23.02.2019, the monetary benefits have been restricted.

3.The petitioner's service was regularized on 01.07.1988 as a special case, in order to comply with the order of this Court, but the monetary benefits have been restricted from the date of the Government Order. Thus, according to the petitioner, it is a violation of the direction issued by the Division Bench.

4.We do not agree with the said submission, because the case of the petitioner itself was based upon a decision taken by the Government in G.O.Ms.No.680, Public Works (C2) Department, dated 16.08.1995, wherein the Government decided to regularize the services of Nominal Muster Roll employees, who have completed 10 years of service from 10.06.1987 to 31.12.1989. In the said Government Order, in paragraph 4, it is stated as follows:

"4.The Government have examined the proposals of the Chief Engineer (General) and Chief Engineer (Ground Water) and direct that the services of 109 fully qualified (one hundred and nine Nominal Muster Roll Employees as detailed in the Annexures I to VI to this order be regularised and brought into regular establishment with effect from 1.7.1987, 1.1.1988, 1.7.1988, 1.1.1989, 1.7.1989 and 1.1.1990 with monetary benefit from the date of their



regularisation of services. The incumbents are eligible to draw arrears of pay and allowances as per order in force. The Government also direct that the services 662 unqualified (six hundred and sixty two only) Nominal Muster Roll employees as detailed in the Annexure VII to XII to this order be regularised and brought into regular establishment with effect from 1.7.1987, 1.1.1988, 1.7.1988, 1.1.1989, 1.7.1989 and 1.1.1990. The incumbents are eligible for fixation of pay from the date of their regularisation but monetary benefits will be given effect from the date of issue of this order only."

5.The above Government Order makes it clear that the monetary benefits would be given from the date of issue of the Government Order. The petitioner filed appeal on the ground that he is discriminated and the Division Bench also found the discrimination and direct to treat him on par with the similarly placed persons. The similarly placed persons have been given monetary benefit from the date of issue of the Government Order and the same has been done to the petitioner also vide G.O.(Ms). No.19, Public Works (C2) Department, dated 23.02.2019.

6.Therefore, we find no ground to re-open the Contempt Petition. Hence, the Sub Application is dismissed.

Sd/-

Assistant Registrar (CS I)

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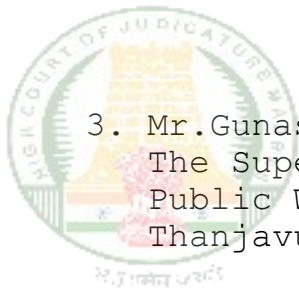
Sub Assistant Registrar(CS)

sj

Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. Mr.C.Kannan
The Secretary to Government,
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4. Mr.Ravi Manohar,
The Executive Engineer,
Public Works Department,
(Building and Maintenance), Thanjavur.

+1CC to M/s. SPL GP (SR 23351/2021)

ORDER DATED : 19/07/2021

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ORDER

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**SUB A(MD) . No.137 of 2021
and
CONT. P. (MD)NO.5 OF 2019**

**Giving direction and etc.
as stated within.**

RC (30.07.2021) 4P-6C