



W.P(MD)No.20761 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20761 of 2022

and

W.M.P.(MD)No.15061 of 2022

J.Selvam

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Public Works Department,
Fort St.George,
Chennai.

2.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Cauvery Basin Division,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings in Se.Mu.A.No.K.1755/2020/1883/2022/Ni.A1/ dated 16.08.2022 issued by the second respondent and quash the same as illegal.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.A.K.Manikkam
Special Government Pleader



W.P(MD)No.20761 of 2022

ORDER

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Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.

2. TNPSC issued recruitment notification dated 15.11.2007 calling for application for the post of typist. The writ petitioner applied in response thereto. He wrote the examination on 27.01.2008 and he was selected for the post of typist and his name found place in the selection list published on 08.11.2008. However, he was issued with appointment order only on 24.08.2009 and he joined PWD shortly thereafter. His pay was fixed in terms of G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010. But by the impugned order passed by the second respondent, it was downgraded. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and submitted that the impugned G.O should be set aside and the writ petition should be allowed as prayed for.



W.P(MD)No.20761 of 2022

4. The learned Additional Government Pleader appearing for the respondents took me through the averments set out therein. His primary contention is that the cutoff date is 01.06.2009 but the writ petitioner received the appointment order only thereafter and that therefore, he is not entitled to the benefit of G.O.Ms.No.340, Finance (Pay Cell), Department, dated 26.08.2010. He also placed heavy reliance on the order dated 05.07.2022 made in W.P.No. 10546 of 2014. He pressed for dismissal of the writ petition.

5. A similar issue arose in W.P.(MD)Nos.13775 to 13779 of 2022. Vide order dated 13.10.2022, I had allowed the writ petitions. For the very same reasons set out therein, the impugned order is liable to be quashed. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.10.2022

Index : Yes / No

Internet : Yes/ No

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To

1.The Secretary to Government,
Public Works Department,
Fort St.George,
Chennai.

G.R.SWAMINATHAN, J.



W.P(MD)No.20761 of 2022

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Public Works Department,
Water Resource Organization,
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