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W.P.No.18408 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

W.P.No.18408 of 2023

1.D. Mageswari

2.K. Gajalakshmi

3.S. Baraneswari

4.A. Shenbagavalli

5.M. Vijayalakshmi

6.S. Sheela

7.R. Sathiya

8.P. Umamaheshwari

... Petitioners

***Vs.***

1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St. George,  
Chennai – 600 006.

2.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Finance (Pay Cell) Department,  
Secretariat, Fort St. George,  
Chennai – 600 006.



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3. The Director,  
Director of Medical Education,  
Kilpauk, Chennai – 600 010.

4. The Director of Medical and Rural Health Services,  
Anna Salai, Chennai – 600 006.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to extend the benefit of G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010 to the petitioners herein, on par with similarly placed persons, within a time period stipulated by this Court.

For Petitioners : Ms.S. Shanmitha

For Respondents : Mrs.V. Yamuna Devi,  
Special Government Pleader

### **ORDER**

Heard the learned counsel for the petitioners, as well as the learned Special Government Pleader appearing for the respondents.

2. The prayer in the present Writ Petition is for issuance of writ of mandamus, for extension of the benefit of G.O.Ms.No.340, Finance (Pay



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Cell) Department, dated 26.08.2010 to the petitioners herein, on par with similarly placed persons who have been extended with such benefit.

**3.** The only objection raised by the respondents to deny the benefits of G.O.Ms.No.340 dated 26.08.2010, is that all the petitioners herein were appointed after the Government Order and therefore, they are not entitled for the benefits of the Government Order.

**4.** At the outset, it requires to be held that such an objection by the respondents herein, cannot be sustained, in view of the clarification issued by the Tamil Nadu Public Service Commission (TNPSC) dated 26.10.2018, whereby, it was clarified that the date of selection of the candidates for appointment to the post of Steno-Typist Grade-III and Typist, should be taken as 07.11.2008 only, which is the date of approval by TNPSC for these posts for the selection year 2006-2007. This clarification was also sent to the Director of Medical and Rural Health Services/4<sup>th</sup> respondent herein, for implementation.



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5. When TNPSC themselves had declared that the date of appointment of the candidates should be taken as 07.11.2008 only, which clarification relates to the appointment of the petitioners herein also, the present objection raised by the respondents that the petitioners' appointment orders were issued only after 2010, cannot be legally sustained. It would be relevant to mention here that though TNPSC had approved the selection list, in which the names of the petitioners were included, way back on 07.11.2008, the appointment orders came to be passed much later in the month of September 2009, which is prior to G.O.Ms.No.340 dated 26.08.2010, which would apply to the appointments made prior to 01.06.2009.

6. This apart, this issue has already been dealt with by the Hon'ble Division Bench of this Court in the case of '***The State of Tamil Nadu & others Vs. R. Chamundeeswari & others***' passed in '***W.A.(MD).Nos.520 of 2023 etc. batch on 01.12.2023***', wherein, it was held as follows:-

.... “7. *It is not disputed that the recruitment process of the respondents was undertaken in the year 2008. The*



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*select list was also published on 07.11.2008. The certificate verification was also conducted on 05.12.2008. Only due to administrative reasons, the appointment orders were issued to these respondents on 03.08.2009. It would appear that the respondents are not at fault. The respondents are similarly situated as that of the Junior Assistants/Agricultural Officers covered under G.O.(Ms)No.340, dated 26.08.2010. There was no reason to apply different yardstick to these respondents. A Division Bench of this Court in **W.A.No.186 of 2023, dated 02.02.2023 [The State of Tamil Nadu and others vs. C.Jayapradha and others]**, was dealing with the case of Assistant Agricultural Officers. The Assistant Agricultural Officers were also not named in G.O.(Ms)No.340, dated 26.08.2010. The benefit was accorded to the Assistant Agricultural Officers recruited prior to 01.06.2009, however, appointment orders were issued after 01.06.2009.....”*

7. In the light of the above decision of the Hon'ble Division Bench, as well as the observations and findings of this Court, the petitioners would be entitled for the relief sought for.



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8. Accordingly, a Writ of Mandamus is issued to the respondents herein, to forthwith pass appropriate orders extending the benefit of G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010 to the petitioners herein, on par with similarly placed persons. Such orders shall be passed at least within a period of three (3) months from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition stands allowed. No costs.

**18.12.2023**

Index: Yes  
Speaking order  
Internet: Yes  
Neutral Citation: Yes

***Sni***



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Chennai – 600 006.
- 2.The Secretary to Government of Tamil Nadu,  
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**M.S.RAMESH,J.**

*Sni*

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