



WEB COPY



W.P.No.26940 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26940 of 2021

J.Babu

...

Petitioner

/vs/

1. The Superintending Engineer,
Public Works Department
Building Construction and Maintenance
Medical Works
Chepauk,
Chennai – 600 005.
 2. The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Public Works Department,
Fort St. George,
Chennai – 600 009.
 3. The Engineer in Chief (Buildings)
and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai – 600 005.
 4. The Executive Engineer (PWD),
Construction and Maintenance Division, Medical works,
Avinasi Road.
- ... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to

issue a writ of certiorarified mandamus to call for the records in respect of the impugned order in letter No.Ni2/2291/2021 dated 12.11.2021 passed by the first respondent and quash the same and consequently direct the first respondent to immediately grant the fitment benefit vide G.O.340 dated 26.08.2010 as granted to similarly place batch matters.

For Petitioner ... Mr.M.Velmurugan

For Respondents ... Mr.T.Arunkumar
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of a writ of certiorarified mandamus to call for the records in respect of the impugned order in letter No.Ni2/2291/2021 dated 12.11.2021 passed by the first respondent and quash the same and consequently direct the first respondent to immediately grant the fitment benefit vide G.O.340 dated 26.08.2010 as granted to similarly placed batch matters.



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2. The petitioner who was appointed as Contract Assistant by the District Collector, Chennai on a consolidated pay of Rs.4,000/- was consequentially selected as a Junior Assistant in the year 2007 by Tamil Nadu Public Service Commission. Though he had produced the relevant certificates for certificate verification and verification has also been done on 16.09.2008 itself the order of appointment has not been given immediately. Though the other persons were given appointment order and they have joined service, the petitioner could not join service along with them because his appointment order was issued belatedly. Now the petitioner had filed this writ petition seeking the benefit under G.O.Ms.340 Finance Pay Cell Department dated 26.08.2010 which entitles fitment benefit to the petitioner in the matter of scale of pay and resultant monetary benefits. Since the first respondent denied the benefits of G.O.Ms.340 Finance Pay Cell Department, to the petitioner vide letter No.Ni2/2291/2021 dated 12.11.2021, the petitioner had filed writ petition.

3. The learned Government Advocate submitted that the petitioner can avail the benefit of G.O.Ms.340 Finance Pay Cell Department dated



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26.08.2010, only if the delay in issuing the appointment order is on the part of the Government and not on the petitioner. It is further submitted that the petitioner had not furnished the community certificate in time and that cause delay and hence the Government cannot be taxed with the monetary liability of extending the benefit of G.O.Ms.340 Finance Pay Cell Department dated 26.08.2010.

4. The documents on record would show that the petitioner was selected on 17.07.2008 and his certificate verification was finished on 16.09.2008. The Tamil Nadu Public Service Commission's Memorandum No.5301/Gr-IV-SCE/2007 dated 21.07.2008 would confirm that certificate verification for the case of the petitioner was finished as early as on 16.09.2008. Hence, the delay in issuing the appointment order is not due to the default on the side of the petitioner but probably due to some administrative reasons or other on the part of the Government. Under such circumstances, the respondents cannot deny the benefit of G.O.Ms.340 Finance Pay Cell Department dated 26.08.2010 to the petitioner.



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5. In view of the reasons stated above, this Writ Petition is allowed and the order in letter No.Ni2/2291/2021 dated 12.11.2021 passed by the first respondent is hereby quashed. The third respondent is directed to re-fix the pay anomaly in accordance with the fitment benefit recommended by One-man Commission which has fructified in G.O.Ms.340 Finance Pay Cell Department dated 26.08.2010 and pass appropriate orders within a period of six weeks. No costs.

17.10.2023

Index: Yes / No

Speaking order / Non-speaking order

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To:

1. The Superintending Engineer,
Public Works Department Building Construction and Maintenance
Medical Works
Chepauk, Chennai – 600 005.
2. The Principal Secretary to Government,
Public Works Department,
Fort St. George, Chennai – 600 009.
3. The Engineer in Chief (Buildings)
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R.N.MANJULA ,J.

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