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W.A.No.92 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.A.No.92 of 2023
and
C.M.P.No.833 of 2023

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Rural Development Department,
Fort St.George, Chennai – 9.

2.The Director,
Local Fund Audit Department,
Kuralagam, Chennai – 600 108.

3.The Collector,
Salem Collectorate,
Salem.

4.The Commissioner,
Gengavalli Panchayat Union,
Salem District.

...Appellants

Vs

Mrs.E.Chandra

... Respondent



W.A.No.92 of 2023

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 03.10.2016 made in W.P.No.484 of 2016 and allow this Writ Appeal.

For Appellants : Mr.C.Kathiravan, Special Government
Pleader for R1.

For Respondent : Mr.S.Ramesh.

J U D G M E N T

[Judgment of the Court was made by R.MAHADEVAN,J,]

This Writ Appeal has been filed to set aside the order dated 03.10.2016 passed by the learned Judge in W.P.No.484 of 2016.

2.When this Writ Appeal was taken up for consideration, the learned Special Government Pleader appearing for the appellants fairly submitted that the subject matter in issue has already been decided by a Division Bench of this Court by Judgment dated 01.04.2019 in W.A.No.64 of 2019 in **“State of Tamil Nadu Vs. A.Nagarajan”** wherein the very same order impugned herein has been challenged. The relevant portion of the Judgment is extracted hereunder for ready reference;

“10. In the light of the clear findings in the earlier decisions of



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this Court referred supra and in the absence of any materials placed before this Court to the contrary, it is not possible to accept the self-serving claim of the Respondents that the services of the Rural Medical Officers like the Petitioner prior to 01.10.1984 were engaged on part time basis. We must also point out here that the Hon'ble Supreme Court of India in **State of Uttar Pradesh -vs- Arvind Kumar Srivastava** [(2015) 1 SCC 347] has reiterated that when a particular set of employees have been given relief by the Court, all other identically situated employees should be treated alike by extending that benefit and not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. In view of the aforesaid dictum, the Petitioner is entitled to the same benefit, which has been granted in respect of similarly placed persons in the decisions referred supra.

11. The order passed by the Writ Court is in consonance with the earlier orders passed by the Division Benches of this Court and we do not find any reason to differ from the same.

12. Accordingly, we dismiss the Writ Appeal. Consequently, the connected Miscellaneous Petition is closed. No costs.”

3.Following the above said Judgment, this Writ Appeal is dismissed.

No costs. Consequently, the connected Miscellaneous Petition is closed.



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(R.M.D.,J.) (J.S.N.P.,J.)

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Index:Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ay

To

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