



W.P(MD)No.10360 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10360 of 2023

Pandian

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Finance Department,
St.Geroge Fort, Chennai.

2.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue and Disaster Management Department,
St.Geroge Fort, Chennai.

3.The Commissioner of Revenue Administration,
Ezhilagam, Chennai – 600 005.

4.The District Collector,
Pudukottai District.

5.The District Revenue Officer,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents to re-fix the salary of the petitioner by granting fitment benefits from his date of appointment i.e., 27.07.2009 based on the GO(Ms)No.340 dated 26.08.2010.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.It is beyond dispute that the issue raised in this writ petition is covered by the order dated 13.10.2022 made in W.P.(MD)Nos.13775 to 13779 of 2022. In the said writ petitions, it was ordered as follows:

“11. The only issue that calls for consideration is this. Whether the writ petitioners were recruited / selected prior to 01.06.2009 by TNPSC. If the answer is in the affirmative, the petitioners have to be given the benefit of G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010. Even the respondents



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cannot dispute that the writ petitioners were selected prior to 01.06.2009. To be precise, all the writ petitioners were selected in November 2008. Therefore, I have no hesitation to follow the aforesaid decision relied on by the learned counsel appearing for the petitioners. That apart, Paragraph No.6 of G.O.Ms.No. 340, Finance (Pay Cell) Department, dated 26.08.2010, makes the position fully clear. It is as follows:-

(6) The above orders allowing fitment benefit is not applicable to the new recruits in whose cases the selection list have been issued by the Tamil Nadu Public Service Commission / Employment Exchange and consequent appointment orders issued by the Heads of Department after 01.06.2009 ie., after the date of issue of notification of the Tamil Nadu Revised Scales of Pay Rules, 2009, in the G.O first read above. In such cases, the new recruits are entitled to have their pay fixed only at the minimum of the Pay Band plus grade pay applicable to the respective posts.

12. It can be seen therefrom that the Government wanted to deny the benefit of G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010 only to those who were recruited and appointed after the cutoff date ie., 01.06.2009. Admittedly, the petitioners do not fall within the scope of Paragraph No.6. Therefore, the orders impugned in the writ petitions are set aside. The writ petitions are allowed. No costs.”



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3.The learned Additional Government Pleader for the respondents states that the said order has been put to challenge by filing writ appeal. The petitioner's fate will also abide by the outcome of the writ appeal. But till then, the petitioner's request cannot be deferred. It is not in dispute that the petitioner was selected prior to 08.12.2008 by TNPSC. However, formal posting the order was issued on 27.07.2009. The case of the petitioner is similar to that of the petitioners in W.P.(MD)Nos. 13775 to 13779 of 2022.

4.Therefore, the petitioner's request has to be necessarily accepted. The respondents are directed to refix the petitioner's salary by granting her fitment benefit based on G.O.(Ms)No.340 dated 26.08.2010. This shall be done within a period of ten weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed accordingly. No costs.

26.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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