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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**RESERVED ON : 23.12.2022**

**DELIVERED ON : 23.01.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P. (MD) .Nos.14292 to 14313 of 2019**

1. K.Ramanarayanan ... Petitioner(s) in WP(MD). 14292/ 2019
1. M.Gandhi, ... Petitioner(s) in WP(MD). 14293/ 2019
1. G.Ramanathan ... Petitioner(s) in WP(MD). 14294/ 2019
1. R.Durairaj, ... Petitioner(s) in WP(MD). 14295/ 2019
1. R.Vignesh Selvi ... Petitioner(s) in WP(MD). 14296/ 2019
1. X.John Peter Sudhagar,... Petitioner(s) in WP(MD). 14297/ 2019
1. S.Balamurugan . .. Petitioner(s) in WP(MD). 14298/ 2019
1. S.Savuri, ... Petitioner(s) in WP(MD). 14299/ 2019
1. M.Palraj ... Petitioner(s) in WP(MD). 14300/ 2019
1. I.Najimunisa Begum, ... Petitioner(s) in WP(MD). 14301/ 2019
1. V.Malarkodi ... Petitioner(s) in WP(MD). 14302/ 2019
1. M.L.Tamilarasi, ... Petitioner(s) in WP(MD). 14303/ 2019
1. A.Seenivasagam ... Petitioner(s) in WP(MD). 14304/ 2019
1. S.Selvi, ... Petitioner(s) in WP(MD). 14305/ 2019



1. S.K.Karthik ... Petitioner(s) in WP(MD). 14306/ 2019

1. K.Jothilakshmi, ... Petitioner(s) in WP(MD). 14307/ 2019

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1. T.Thangameena Devi ... Petitioner(s) in WP(MD). 14308/ 2019

1. S.Gomathi, ... Petitioner(s) in WP(MD). 14309/ 2019

1. S.Gomathi, ... Petitioner(s) in WP(MD). 14309/ 2019

1. V.Tamilselvi ... Petitioner(s) in WP(MD). 14310/ 2019

1. K.S.Chandrasekaran, ... Petitioner(s) in WP(MD). 14311/ 2019

1. M.Vijayalakshmi ... Petitioner(s) in WP(MD). 14312/ 2019

1. J.Giri, ... Petitioner(s) in WP(MD). 14313/ 2019

- Vs. -

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd, and Chief Engineer (Gen),  
Chepauk, Chennai-5

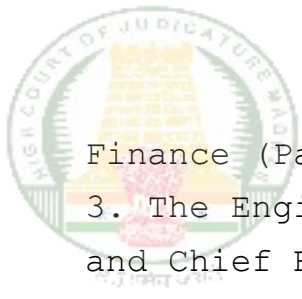
4. The Executive Engineer Pwd,  
Periyar Vaigai Basin Division,  
Tallakulam, Madurai-2

... Respondent(s) in WP(MD). 14292/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,

<https://www.mhc.tn.gov.in/judis>



Finance (Pay Cell) Dept., Secretariat, Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk, Chennai-5

4. The Executive Engineer Pwd,  
Buildings Quality Control Division,  
Tallakulam, Madurai-2 ... Respondent(s) in WP(MD). 14293/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. Superintending Engineer Pwd,  
Ground Water Circle, Tallakulam,  
Madurai-2 ... Respondent(s) in WP(MD). 14294/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept.,  
Secretariat, Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk, Chennai-5

4. The Chief Engineer Pwd,  
Madurai, Region Madurai ... Respondent(s) in WP(MD). 14295/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,



Finance (Pay Cell) Dept.,  
Secretariat, Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer Pwd,  
Vaippar Basi Division,  
Virudhunagar

... Respondent(s) in WP(MD). 14296/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer Pwd,  
Buildings (C&m) Division, Medical Works,  
Madurai.

... Respondent(s) in WP(MD). 14297/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Chief Engineer W.R.D., Pwd,  
Madurai Region, Madurai

... Respondent(s) in WP(MD). 14298/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9



2. The Secretary to Govt.,  
Finance (Pay Cell) Dept.,  
Secretariat, Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk, Chennai-5

4. The Assistant Executive Engineer,  
Public Works Dept.,  
Buildings Quality Control Sub Division, Ramnad

... Respondent(s) in WP(MD). 14299/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer Pwd,  
Buildings (C&m) Division, Medical Works,  
Madurai

... Respondent(s) in WP(MD). 14300/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

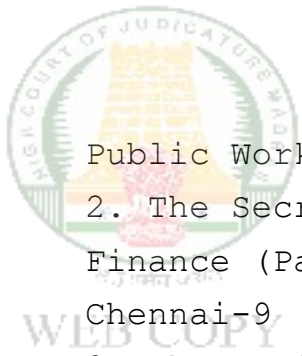
2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer ,  
Public Works Dept., Buildings (C&m) Division,  
Medical Works, Madurai.

... Respondent(s) in WP(MD). 14301/ 2019

1. The Secretary to Govt.,



Public Works Dept., Secretariat, Chennai-9

2. The Secretary to Govt.,

Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Chief Engineer Buildings,  
Pwd, Madurai Region,  
Madurai

... Respondent(s) in WP(MD). 14302/ 2019

1. The Secretary to Govt.,

Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,

Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer ,  
Public Works Dept., Buildings (C&m) Division,  
Madurai.

... Respondent(s) in WP(MD). 14303/ 2019

1. The Secretary to Govt.,

Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,

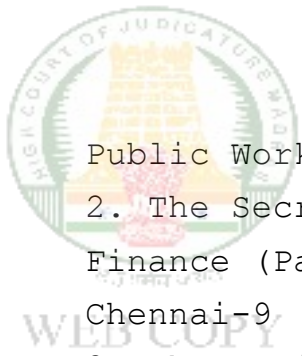
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Superintending Engineer Pwd,  
Buildings(C&m) Circle, Tallakulam, Madurai

... Respondent(s) in WP(MD). 14304/ 2019

1. The Secretary to Govt.,



Public Works Dept., Secretariat, Chennai-9

2. The Secretary to Govt.,

Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chempauk, Chennai-5

4. The Chief Engineer (Buildings),  
Public Works Dept., Madurai Region,

Madurai. ... Respondent(s) in WP(MD). 14305/ 2019

1. The Secretary to Govt.,

Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,

Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chempauk,  
Chennai-5

4. The Chief Engineer Wrd.,  
PwD, Madurai Region,

Madurai ... Respondent(s) in WP(MD). 14306/ 2019

1. The Secretary to Govt.,

Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,

Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chempauk,  
Chennai-5

4. The Chief Engineer (WRD),  
Public Works Dept., Madurai Region, Madurai.

... Respondent(s) in WP(MD). 14307/ 2019

1. The Secretary to Govt.,

Public Works Dept., Secretariat, Chennai-9



2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat, Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk, Chennai-5

4. The Executive Engineer Pwd,  
Environmental Cell Division, China Chokkikulam, Madurai -2

... Respondent(s) in WP(MD). 14308/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat, Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat, Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk, Chennai-5

4. The Electrical Engineer Pwd Dept.,  
Electrical Division, Madurai.

... Respondent(s) in WP(MD). 14309/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer Pwd,  
Planning & Designs Division, Madurai.

... Respondent(s) in WP(MD). 14310/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,

Chennai-9



3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer  
Pw Dept., Mining & Monitoring Division,  
Madurai. ... Respondent(s) in WP(MD). 14311/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat,  
Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat,  
Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer Pwd,  
Mining and Monitoring Division, Madurai.

... Respondent(s) in WP(MD). 14312/ 2019

1. The Secretary to Govt.,  
Public Works Dept., Secretariat, Chennai-9

2. The Secretary to Govt.,  
Finance (Pay Cell) Dept., Secretariat, Chennai-9

3. The Engineer in Chief Wrd,  
and Chief Engineer (Gen), Chepauk,  
Chennai-5

4. The Executive Engineer Pwd Dept.,  
Mining & Monitoring Division, Madurai.

... Respondent(s) in WP(MD). 14313/ 2019

Prayer in WP(MD). 14292/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works



Department, Periyar vaigai Basin Division, Madurai in his May.Ku.No.E-I/12/2018(997) dated 10.10.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14293/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works Department, Buildings Quality Control Division, Madurai in his May.Ku.No.Ni Oo-I / KOO.32/2018 dated 05/09/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14294/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Special Chief Engineer, Ground Water Circle, Madurai in his May.Ku.No.E-2/1434/2018 dated 12.09.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14295/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Chief Engineer, W.R.D., Public Works Department, Madurai Region, Madurai in his May.Ku.No.A1 / Po.Koo/2018(9332) dated 04/09/2018 an quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.



Prayer in WP(MD). 14296/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public works Department, Vaippar basin Division, Virudhunagar in his May.Ku.NO. NiVu2/11/2019/(968/2018) dated 24.04.2019 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14297/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works Department, Buildings (C&M) Division, Medical Works, Madurai in his May.Ku.No.Ni.A2/449/2018 dated 30/11/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14298/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the chief Engineer, Public works Department, Madurai Region, Madurai in his May.Ku.No.A1/Po.Ko/2018 (9332) dated 04.09.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14299/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent



relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Assistant Executive Engineer, Public Works Department, Building Quality Control Sub Division, Ramanathapuram in his May .Ko.No.O.Se.Po/Koo.2./2018 dated 11/09/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that may be fixed by this Court.

Prayer in WP(MD). 14300/ 2019 :

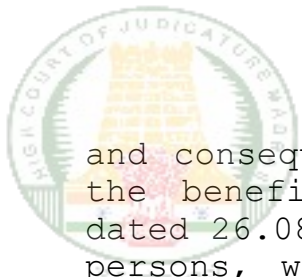
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works Department, Buildings (C&M) Division, Medical Works, Madurai in his May Ku.No. Ni.A2/449/2018 dated 30.11.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that may be fixed by this Court.

Prayer in WP(MD). 14301/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works Department, Building (C&M) Division, Medical Works, Madurai in his May.Ko.NO.Ni.A2/449/2018 dated 30/11/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that may be fixed by this Court.

Prayer in WP(MD). 14302/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Chief Engineer (Buildings), Public Works Department, Madurai Region, Madurai in his May.Ko.No.Ni.A2/449/2018 dated 30/11/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that may be fixed by this Court.



and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

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Prayer in WP(MD). 14303/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works Department,Building (C&M) Division, Madurai in his May.Ko.NO.Pa.A2/364 (1568) / 2018 dated 15/10/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14304/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Special Chief Engineer, Public Works Department, Buildings (C&M) Circle, Madurai in his Vu.Mu.Ka.No. 3868/Pa/A2/2018 dated 03.10.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14305/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Chief Engineer (Buildings) Public Works Dept., Madurai Region, Madurai in his May.Ko.No.Ni2(1) / 2929 (5830) /2018 dated 10/09/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.



Prayer in WP(MD). 14306/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Chief Engineer, Public Works Department, Madurai Region, Madurai in his May.Ku.No.A1/Po.Ko/2018 (9332) dated 04.09.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14307/ 2019 :

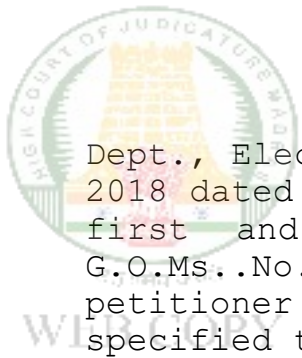
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Chief Engineer (Buildings) Public Works Dept., Madurai Region, Madurai in his May.Ko.No.A1/Po.Koo/2018 (9332) dated 04/09/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14308/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works Department, Environmental cell Division, , Madurai in his May.Ku.No.NiA2/(Ko.337/2018)/922/dated 05.09.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14309/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Electrical Engineer Public Works



Dept., Electrical Division, Madurai in his O.Mo.No.Pa A2/35 (1643) / 2018 dated 16/10/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14309/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Electrical Engineer Public Works Dept., Electrical Division, Madurai in his O.Mo.No.Pa A2/35 (1643) / 2018 dated 16/10/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14310/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works Department, Planning & Designs division, Madurai in his May.Ku.No. E2/372/2018 dated 10.09.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14311/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Letter No.6717 / B2 / 2018-3 dated 26/07/2018 and communicated by the Executive Engineer, Public Works Dept., Mining & Monitoring Division, Madurai in his O.Mu.Ka.No.E2/01/2018 dated 05/10/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.



Prayer in WP(MD). 14312/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Lr.No. 6717/B2/2018-03 dated 26.07.2018 and communicated by the Executive Engineer, Public Works Department, Mining & Monitoring Division, Madurai in is Vu.Mu.Ka.No.E1/01/2018 dated 05.10.2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

Prayer in WP(MD). 14313/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling records of the 1st respondent relating to the Principal Secretary to Government, Public Works Department, Chennai passed in Letter No.6717 / B2 / 2018-3 dated 26/07/2018 and communicated by the Executive Engineer, Public Works Dept., Mining & Monitoring Division, Madurai in his O.Mu.Ka.No.E2/01/2018 dated 05/10/2018 and quash the same and consequently direct the first and second respondents to extend the benefit as per G.O.Ms..No. 340 Finance(Pay cell) department dated 26.08.2010 to the petitioner also on par with similarly placed persons, within a specified time frame that mat be fixed by this Court.

(In all Writ Petitions):

For Petitioners : Mr.S.Visvalingam  
For Respondents : Mr.R.Suresh Kumar,  
Additional Government Pleader.

### **COMMON ORDER**

The Writ Petitions are filed to quash the order dated 26.07.2018 with a consequential relief to extend the benefit as per G.O.Ms.No.340 Finance (Pay Cell) Department dated 26.08.2010 to the petitioner also on par with similarly placed persons.

2. The issue raised in all the Writ Petitions are one and the same. Hence, a common order is passed.



3. The petitioners were recruited through TNPSC as Typist in the year 2006-2007 and joined the duty as Typist in September 2009. The selection list of persons for the post of Typist, who were selected under the Notification for the year 2006-2007 and who wrote Group-IV examination on 27.01.2008 was published on 07.11.2008.

4. The contention of the petitioner is that some of the employees / Association have earlier represented before the "One Man Commission" constituted to examine the anomalies if any, in the recommendations of the official committee 2009 that the Junior Assistants who were recruited through TNPSC have been intimated in the month of May 2009 regarding their allotment of Government Department and also informed to await for further communication from the appointing authorities. Accordingly, some of the Head of the Departments have issued appointment orders to some of the individuals to join as Junior Assistants in the month of May and June 2009. In some cases, though some individuals were given appointment in the month of May 2009 itself, the Contract Assistants who were in service from 2003 onwards were relieved by the Departments belatedly which has resulted in joining the post of Junior Assistants at a later date that is beyond 31.05.2009. The Associations / individual employees pointed out that the delay in relieving them is due to administrative reasons and therefore, they have requested to equate their pay on par with the individuals who were appointed prior to 01.06.2009. But the pay of Junior Assistants / Agricultural Officers who were recruited by the TNPSC in March 2009 and May 2009 and who were joined on or after 01.06.2009, were not able to get the monetary benefits. The contention of the petitioners is that there is disparity in benefits recommended by one man commission in the revised scale of pay 2009. In G.O.Ms.No.340 Finance (Pay Cell Department) dated 26.08.2010, the above disparity between the juniors who joined duty earlier and the seniors who joined subsequently has been discussed at length and it was decided to allow the benefits who joined belatedly due to administrative reasons and ordered to grant the same benefits to the seniors on par with the juniors. Since the respondents have rejected the claim of the petitioners to grant benefits under G.O.Ms.No.340 dated 26.08.2010, the present Writ Petition is filed.

5. The learned Additional Government Pleader appearing for the respondents submitted that the petitioners in these Writ Petitions are not entitled to the benefits granted under G.O.Ms.No.340 dated 26.08.2010, since the petitioners were appointment after 01.06.2009 and not prior to 01.06.2009. The Learned Additional Government Pleader referred to G.O.Ms.No.340 dated 26.08.2010. Under Clause 6 of the said Government Order, it has been held as under:



"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 Exchanges and consequent appointment orders issued by the Heads of Departments after 01-06-2009 i.e., after the date of issue of notification of the Tamil Nadu Revised Scales of Pay Rules, 2009 in the Government Order 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".

The G.O. states that the fitment benefits are not applicable to new recruits and the consequential appointment orders which has been passed after 01.06.2009. Therefore, the learned Additional Government Pleader submitted that G.O.Ms.No.340 dated 26.08.2010 cannot be invoked. Hence the impugned orders are passed categorically stating that G.O.Ms.No.340 cannot be applicable to the petitioners. Hence, the respondents prayed to dismiss these Writ Petitions.

6. Heard Mr.S.Visvalingam, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the respondents.

7. The issue that is raised in these Writ Petitions was already considered by the learned Single Judge in W.P.(MD).No.13775 of 2022 batch wherein, it has been held as under:

7. The entire issue arose on account of the belated implementation of the 6<sup>th</sup> Pay Commission Recommendations by the Government of Tamil Nadu. The Tamil Nadu issued orders for implementation of the 6th Pay Commission Recommendations only on 01.01.2009. It has come into force on 01.01.2006. This gave rise to certain pay anomalies. In order to rectify the same, One Man Commission was appointed. Orders were issued in terms of the said One Man Commission also. Three G.O.s are relevant namely G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009, G.O.Ms.No.258, Finance (Pay Cell) Department, dated 23.06.2009 & G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010. G.O.Ms.No.234 dated 01.06.2009 is the order implementing the revised scales of pay and allowances. G.O.Ms.No.258 dated 23.06.2009 endeavored to rectify the anomalies. To that effect, the following amendment was made:-



**(9) Fixation of pay of employees appointed on or after 01.01.2006**

Fixation of pay in the revised pay structure of employees appointed as fresh recruits on or after 01.01.2006 and before 01.06.2009, their pay in the revised pay structure shall be fixed as per Rule 4 (1) above with effect from the date of their joining service. Notwithstanding the aforesaid amendment, the issues of pay anomalies still remained. To set right the same, One Man Commission was appointed. G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010 was issued by the Government after examining the recommendations of the One Man Commission to rectify the anomalies pointed out by it. The operative portion is Paragraph No.4 and it reads as follows:-

"4. The Government has carefully examined the above recommendations of the One Man Commission and decided to rectify the anomaly as pointed out by the One Man Commission. Accordingly, Government direct that in exercise of the powers conferred under Rule 13 of the Tamil Nadu Revised Scales of Pay Rules, 2009 relax the Rule-9 of the Tamil Nadu Revised Scales of Pay Rules, 2009 in favour of the incumbents recruited as Junior Assistants from among the Contract Assistants / Agricultural Officers and any other similar categories of posts recruited by the Tamil Nadu Public Service Commission in the same batch prior to 01.06.2009 and joined / appointed on a subsequent date on or after 01.06.2009 due to administrative reasons duly allowing the fitment benefit to the individual employees concerned as a special case. However, the Government direct that the above fixation benefit shall be given notional effect from the date of appointment of the individual employees concerned with monetary benefit from 01.08.2010.

8. Though the learned Additional Advocate General would call upon this Court to interpret the aforesaid Paragraph No.4 in the light of the reasons set out in Paragraph No.3, I am of the view that the plain meaning of Paragraph No.4 must be given effect to. It is not as if the issue is cropping up for the first time before the High Court.

9. The learned counsel appearing for the petitioner drew my attention to the catena of decisions passed



in this regard. One such decision is dated 22.10.2021 made in W.P. (MD) No. 17859 of 2014. Paragraph Nos. 9 & 10 of the said order reads as follows:-

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9. It is true that the Government Order vide G.O. (Ms) No. 340, Finance Department, dated 26.08.2010, was passed on the recommendation of One Man Commission to remove the pay anomaly in the case of Junior Assistants/Agricultural Officers, who were selected prior to 01.06.2009 and appointed on or after 01.06.2009. It is not in dispute in the present case that the petitioners also were selected prior to 01.06.2009 but appointed after 01.06.2009 due to administrative reasons. Therefore, in principle, the petitioners claim that they should be treated on par with others, who were also selected in the same process of recruitment, appears to be lawful. It is the duty of Government to remove pay anomaly, if they have reasons to believe that the disparity was due to some administrative delay.

10. The decision of Government in the case of Junior Assistants/Agricultural Officers is a formal expression of the policy of the Government in matters relating to re-fixation of salary on par with persons selected by the same process but appointed after a particular date due to administrative delay. Unless, there is a strong reason to treat a particular category of cases differently the decision vide G.O. Ms. No. 340, Finance Department, dated 26.08.2010, cannot be ignored and the Government cannot reject the case of others in other departments ignoring the decision already taken in respect of a class of people. In this case, the Government Order vide G.O. Ms. No. 340, Finance Department, dated 26.08.2010, was on the basis of recommendation of One Man Commission to remove pay anomaly. When it is the duty of the Government to remove pay anomaly in exercise of its sovereign function, this Court is unable to find any justification in not applying the decision of Government vide G.O. Ms. No. 340, Finance Department, dated 26.08.2010 in the case of petitioners. While extending the benefit of G.O. Ms. No. 340, Finance Department, dated 26.08.2010, to several other persons, this Court in W.P. (MD) Nos. 15375 to 15383



of 2013, by its order, dated 03.10.2019, observed that the benefit of G.O.Ms.No.340, Finance Department, dated 26.08.2010, should be extended to similarly placed persons.

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10. It is true that a different note has been struck in the order dated 05.07.2022 in W.P.No.10546 of 2014 (Secondary Grade Seniority Teachers Association Rep. by its State General Secretary Vs. Secretary to Government). But the said writ petition was filed by an Association and there is nothing on record to show that the factual matrix that is obtaining in the said writ petition is similar or same as the one in the present batch of writ petitions.

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 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 i.e., 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 i.e., 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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8. The learned Single Judge has held the entire issue arose on account of belated implementation of 6<sup>th</sup> Pay Commission. The implementation of 6<sup>th</sup> Pay Commission recommendations was issued only on 01.01.2009. However, it came into force on 01.01.2006 itself. This has given rise to certain pay anomalies. In order to rectify the same, One Man commission was appointed. Therefore, the recruits who were recruited prior to 01.06.2009 were granted benefits.

(\*) "9. The contention of the writ petitioners is that though the writ petitioners were selected through Selection List dated 07.11.2008, but all the writ petitioners were able to join in September 2009, due to administrative reasons. This would be evident from the clarification letter issued by TNPSC and the same is extracted hereunder:

*"I am directed to invite kind attention to the reference cited and to state that the Commission had approved the list of candidates selected for both the posts of Typist and Steno-Typist, Grade-III included in Group-IV Services, selection for the year 2006-2007, on 07.11.2008. I am to add that the spot verification of original documents had been done subsequently and the candidates selected for the posts of Typist and Steno-Typist were allotted Unit wise and the Unit wise allotment list for the posts of Typist and Steno-Typist Grade-III, were published on 10.07.2009 and 02.06.2009 respectively. Accordingly, the Unit wise allotment letters were forwarded to the HoDs/Unit Officers concerned for issuing appointment orders.*

I am, therefore directed to clarify that the date of selection of candidates for appointment to the of Steno-Typist Grade-III and Typist should be taken as 07.11.2008 and the copy of select list may be obtained from the Director of Medical and Rural Health Services".

In the similar cases where the TNPSC conducted Special Competitive Examination for the post included in Group-IV in respect of persons who were appointed as per G.O.Ms.No.84 P&AR Department dated 04.07.2003 and G.O.Ms.No.85 P&AR Department dated 04.07.2003 on contract basis for Rs.4000/- and the persons who passed the Special Competitive



Examinations and appointed in the regular time scale of pay as Junior Assistant in the month of June 2009 were granted the said benefits under G.O.Ms.No.340. The petitioners who were directly recruited candidates did not get the benefits and hence the petitioners are claiming the said benefit. The petitioner K.Ramanarayanan was recruited on 07.11.2008, but joined duty on 07.09.2009, hence the petitioner is claiming the said benefit. Since the petitioners were recruited prior to the 01.06.2009, the petitioners are entitled to the benefits of G.O.Ms.No.340.

10. Therefore, this Court is inclined to allow the Writ Petitions. Hence, the impugned order is quashed and the respondents are directed to extend the benefits of G.O.Ms.No.340 dated 26.08.2010 to the petitioners. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order".

11. With the above direction, the Writ Petitions are allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar()

(\*)Corrected as per the order of this court dated 03.02.2023

Sd/-

Assistant Registrar()

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

Nsr

To

- 1.The Secretary to Government,  
Public Works Department,  
Secretariat,  
Chennai - 600 009.
- 2.The Secretary to Government,  
Finance (Pay Cell) Department,  
Secretariat,  
Chennai - 600 009.



3. The Engineer in Chief., WRD.,  
and Chief Engineer (General),  
Chepauk, Chennai - 600 005.

4. The Executive Engineer,  
Public Works Department,  
Periyar Vaigai Basin Division,  
Tallakulam,  
Madurai - 600 002.

5. The Executive Engineer Pwd,  
Buildings Quality Control Division,  
Tallakulam, Madurai-2

6. Superintending Engineer Pwd,  
Ground Water Circle, Tallakulam,  
Madurai-2

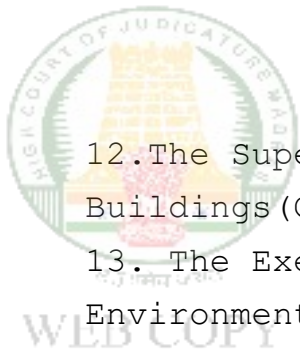
7. The Chief Engineer Pwd,  
Madurai, Region Madurai

8. The Executive Engineer Pwd,  
Vaippar Basi Division,  
Virudhunagar

9. The Executive Engineer Pwd,  
Buildings (C&m) Division, Medical Works,  
Madurai.

10. The Chief Engineer W.R.D., Pwd,  
Madurai Region, Madurai

11. The Assistant Executive Engineer,  
Public Works Dept.,  
Buildings Quality Control Sub Division, Ramnad



12.The Superintending Engineer Pwd,  
Buildings(C&m) Circle, Tallakulam, Madurai

13. The Executive Engineer Pwd,  
Environmental Cell Division, China Chokkikulam, Madurai -2

14. The Electrical Engineer Pwd Dept.,  
Electrical Division, Madurai.

15. The Executive Engineer Pwd,  
Planning & Designs Division, Madurai.

16. The Executive Engineer  
PwD Dept., Mining & Monitoring Division,  
Madurai.

+22 CC to M/s.S.VISVALINGAM, Advocate ( SR-3305[F] dated  
23/01/2023 )

+1 CC to M/s.SPL.GP ( SR-3971[F] dated 25/01/2023 )

+22 CC to M/s.S.VISVALINGAM, Advocate ( SR-5983[F] dated  
03/02/2023 )

W.P. (MD) .Nos.14292 to 14313 of 2019  
23.01.2023

kmk (CO)  
KB (21.02.2023) 25P 50C