



W.P.(MD)No.2568 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.2568 of 2019

S.Alagu Meenakshi

... Petitioner

Vs.

1.The Government of Tamilnadu,
Represented by its Secretary,
Finance Department, Secretariat,
Chennai.

2.The Secretary,
Tamilnadu Public Service Commission,
Chennai-2.

3.The Principal District Judge,
Tirunelveli District, Tirunelveli-2.

4.The Deputy Director of Health Services,
Tuticorin.

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 3rd respondent in R.No.19401/2018, 19754/2018, dated 16.08.2018 and 24.08.2018, dated 19.09.2018 and to quash the same and consequently, to direct the respondents herein to re fix the salary of the petitioner giving the fitment benefit on par with the persons recruited by the Tamilnadu Public Service Commission in the same batch (ie., 2009 Batch) along with the petitioner with all consequential benefits.

For Petitioner : Mr.V.Kannan

For R1 & R4 : Mr.S.Shanmugavel,
Additional Government Pleader

For R2 : Mr.J.Anandakumar

For R3 : Mr.N.Mohideen Basha

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The order impugned dated 19.09.2018, rejecting the application submitted by the writ petitioner, seeking re-fixation of salary, is under challenge in the present Writ Petition.

2.The petitioner was appointed as temporary Junior Assistant in the Health Department initially and thereafter, appeared before the Tamil Nadu Public



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Service Commission and appointed to the post of Junior Assistant in the Judicial Department. The petitioner submitted an application for re-fixation of pay taking into consideration the services as per the Government Order issued in G.O.(Ms)No.340, Finance (Pay Cell) Department, dated 26.08.2010. The learned Principal District Judge, Tirunelveli rejected the application without assigning any reasons.

3.Though several reasons are stated in the counter affidavit in the present Writ Petition, none of these grounds are either adjudicated or findings are given in the order impugned. Further, the impugned order cannot be improved by way of counter. While dealing with such application seeking re-fixation of pay, the authorities competent are expected to consider the relevant merits of the case and give findings for rejection or to allow the claim. More so, the reasons are live link to the orders. Therefore, the impugned order is to be set aside, accordingly, it is set aside and the matter is remanded back to the learned Principal District Judge, Tirunelveli for re-consideration.

4.Accordingly, this Writ Petition is disposed of with a direction to the 3rd respondent to re-consider the entire issues on merits by affording opportunity to



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the parties concerned and pass fresh speaking order within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

(S.M.S., J.) & (V.L.N., J.)
30.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

- 1.The Secretary
Government of Tamilnadu,
Finance Department, Secretariat,
Chennai.
- 2.The Principal District Judge,
Tirunelveli District, Tirunelveli-2.
- 3.The Deputy Director of Health Services,
Tuticorin.



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

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