



W.P.(MD)Nos.18452 to 18460 of 2018

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

**DATED : 24.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)Nos.18452 to 18460 of 2018**

**and**

**W.M.P.(MD)Nos.16355 to 16363 of 2018 & 8814 of 2022**

**W.P.(MD)No.18452 of 2018**

A.Manivelan

... Petitioner

Vs.

1.The State of Tamil Nadu  
Rep. by its Secretary,  
Public Works Department,  
Fort St. George,  
Chennai - 600 009.

2.The Engineer in Chief (WRO) & Chief Engineer (Gen),  
Public Works Department Office,  
Chepauk,  
Chennai - 600 005.



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3.The Chief Engineer, WRO, PWD  
Madurai Region,  
Tallakulam,  
Madurai - 625 002.

... Respondents

**PRAYER :** Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in S.3(1)/53802/2010 dated 29.12.2010 on the file of the respondent No.2 and quash the same to the extent fixing a pay band with Basic Pay of Rs.5,200/- as illegal and consequently to direct the respondents to fix the pay band with a Basic Pay of Rs.5,960/- already fixed for the petitioner from 29.11.2007 as per VI Pay Commission fixation, with consequential benefits for the past service.

In all writ petitions

For Petitioners : Mr.T.Aswin Rajasimman  
for M/s.T.Lajapathi Roy & Associates

For Respondents : Mrs.K.Christy Theboral,  
Additional Government Pleader



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### **COMMON ORDER**

Since the issue arises in all the writ petitions are one and the same, these writ petitions are taken up together and disposed of by this common order.

2. The learned counsel appearing for the petitioners submitted that the petitioners were appointed under Rule 10(a)(1) of Tamil Nadu State and Subordinate Service Rules, as Typist, and their names were forwarded through Employment Exchange, as per G.O.Ms.No.205, dated 09.11.2006, by fixing the scale of pay consequent to the VI Pay Commission their pay band was refixed as per G.O.Ms.No.234, dated 01.06.2009 with a Basic Pay of Rs.5,960/- as per the proceedings, dated 16.07.2009 of Commissioner of K.Mayiladumparai Panchayat Union. Thereafter, the petitioners are reposted as Integrated Child Development Service, Theni, and in turn they were reposted vide proceedings, dated 09.09.2009 to ICDS office at Andipatti by way of fresh appointment made by Tamil Nadu Public Service Recruitment. Though the petitioners were ousted from the service on 02.07.2008, however, again they were appointed on 03.07.2008 and the



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petitioners every year they were periodically terminated and they were reappointed within one day gap. Aggrieved by the same, the petitioners filed these writ petitions before this Court forbearing the respondents removing the petitioners from service and appointing other persons in that place and this Court, granted an order of interim stay on 21.07.2009 and thereafter, petitioners participated in the Special Competitive Examination conducted by the Tamil Nadu Public Service Commission in the year 2009 and they were selected and allotted to Public Service Department by fixing their pay respectively, as 10(a)(1) of Tamil Nadu State and Subordinate Service Rules.

3. However, the grievance of the petitioners is that the petitioners were entitled to basic pay of Rs.5,960/-, whereas, through the impugned order their pay was fixed Rs.5,200/- is illegal. For step up the pay, the present writ petitions are filed.

4. The learned counsel appearing for the petitioners submitted that though the present writ petitions are filed to step up their earlier pay as



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drawn by the petitioners, however, it would suffice this Court may grant permission to the petitioners to make a fresh representation to step up their pay in terms of W.A.(MD)No.390 of 2018, dated 29.04.2021 without interfering with the impugned order.

5. In view of the above, this Court without expressing any opinion on the merits of the matter, directs the petitioners to make a fresh representation in terms of W.A.(MD) No.390 of 2018, dated 29.04.2021 to the respondents within a period of two (2) weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents shall consider and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

**24.02.2023**

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



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WEB COPY

To

- 1.The Secretary,  
State of Tamil Nadu  
Public Works Department,  
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Chennai - 600 009.
- 2.The Engineer in Chief (WRO) & Chief Engineer (Gen),  
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- 3.The Chief Engineer, WRO, PWD  
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**M.DHANDAPANI,J.**

RM

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**24.02.2023**