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W.P.No.1416 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1416 of 2021
and W.M.P.Nos.1597 & 1599 of 2021

1.Manickam
2.P.Neela
3.V.Nachiaar
4.R.Sumathi

...

Petitioners

versus

1.The State Tamil Nadu,
Rep. by its Principal Secretary,
Public Works Department,
Fort St.George, Chennai - 9.

2.The Chief Engineer (General)
and Engineer in Chief,
Water Resources Department,
Chepauk, Chennai - 600 005.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st respondent in G.O.(3D) No.40, Public Works (C2) Department dated 25.09.2018 to quash paragraph -12 "in so far it restricts the monetary benefits from the date of issuance of Government Order instead of from the date of regularization and to consequently direct



the respondents to grant and extend the monetary benefits from the date of regularization as directed by this Court in WP.No.16107 of 2012" dated 04.07.2012.

For Petitioners : Mr.A.Nileshram
for M/s.K.M.Vijayan Associates

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The petitioners, who have been regularised pursuant to the Government Order in G.O.(3D) No.40, Public Works (C2) Department dated 25.09.2018 with effect from the date of completion of their 10 years of service have filed this Writ Petition stating that they are entitled to get the monetary benefits from the date of their regularisation. In the above Government Order, it is stated that the monetary benefits were given from the date of issuance of the Government Order and not from the date of regularisation.

2. This issue has already been challenged by similarly placed persons by filing W.P.No.14346 of 2020 wherein this Court has passed an order by setting aside the said portion of the Government Order, which



restricts the monetary benefits from the date of issuance of the order and directed the respondents to extend the monetary benefits also from the date of regularisation.

3. For the sake of clarity, the operative portion of the above order [W.P.No.14346 of 2020 dated 23.12.2020] is extracted as under:-

“11.In the above circumstances, this writ petition is allowed and the impugned order in G.O.(3D) No.40, Public Works (C2) Department dated 25.09.2018, is hereby set aside only in so far as it restricting the monetary benefits only from the date of issue of the order and the respondents are consequentially directed to calculate and pay the arrears of salary to the petitioners from the date of regularisation in terms of the order passed by the learned Single Judge of this Court dated 04.07.2012 in W.P.No.16107 of 2012, within a period of eight weeks from the date of receipt of a copy of this order. No costs, miscellaneous petition is closed. Consequently, connected miscellaneous petition is closed.”

4. Challenging the above said order, the respondents had filed Writ Appeal No.2593 of 2022 and the same was dismissed and the order has attained finality.



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5. Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents submitted that the petitioners are not entitled to get the monetary benefits from the date of their regularisation. It is further submitted that the regularisation for the petitioners itself had been given by relaxing the other rules and hence the petitioners cannot take much advantage by claiming the monetary benefits as well from the date of their completion of 10 years of service. However the above objections of the Government have not been considered favourably by the Court and orders had already been issued as stated above.

6. Had the petitioners also been parties to the above Writ Petition filed by similarly placed persons, they would have also got the same benefit of the order. However that does not deprive the petitioners now from getting the monetary benefits from the date of effect of regularisation in respect of the entitlement of similarly placed persons.

7. Since the portion of the Government Order in G.O.(3D) No.40, Public Works (C2) Department dated 25.09.2018 which restricted the entitlement of the petitioners and similarly placed persons to get the



monetary benefits only from the date of issuance of the above order and that has already been quashed, I would only say that the petitioners are also entitled to the said benefit.

With the above observation, this Writ Petition is **disposed**. No costs.

Consequently, connected Miscellaneous Petitions are closed.

07.02.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The Principal Secretary,
State Tamil Nadu,
Public Works Department,
Fort St.George, Chennai - 9.

2.The Chief Engineer (General)
and Engineer in Chief,
Water Resources Department,
Chepauk, Chennai - 600 005.



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R.N.MANJULA, J.

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