



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4381 of 2021

A.Selvaraju

...

Petitioner

versus

1.The Principal Secretary to Government,
Animal Husbandry, Dairying & Fisheries (FS2) Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Fisheries,
Tsunami Project Implementation Unit,
Nandanam,
Chennai - 600 035.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay compensation as per the Tamil Nadu Government Public Works Department, Schedule of Rates for a sum of Rs.3,17,121/- by considering the petitioner's representation dated 23.08.2019.

For Petitioner

: Mr.C.S.Srinivasan

For Respondents

: Mr.K.H.Ravikumar
Government Advocate



ORDER

The petitioner has filed this petition seeking a writ of mandamus, directing the respondents to pay compensation as per the Tamil Nadu Government Public Works Department by considering his representation dated 23.08.2019.

2. Heard Mr.C.S.Srinivasan, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the respondents and perused the materials available on record.

3. The petitioner has been appointed as a Technical Assistant under Tsunami Project Implementation Unit on 11.01.2013 on consolidated pay basis. The Government Order has been issued in G.O.(Ms.)No.105, Revenue [DM4-(1)] Department dated 26.02.2016, for absorption of the temporary staff appointed on consolidated pay basis for Tsunami works through employment exchange. The petitioner has also got appointment through employment exchange.

4. However, the petitioner was not given with the benefit of the above Government Order and hence, he has filed a Writ Petition in



W.P.No.21464 of 2017 and the same was dismissed on 11.08.2017.

Challenging the same, he has filed Writ Appeal in W.A.No.1177 of 2017 and in which, the following orders have been passed:-

“11. The question arises as to whether the writ petitioners could be regularized, though the initial appointment is for the project and whether the authorities have got any idea of making it a permanent post by way of sanctioning post. We make it clear that by virtue of the qualification of the appellants/writ petitioners, it is for the Government to consider their candidature on merits and take a decision in accordance with law for their continuance. The writ petitioners were appointed during 2013 and now it is almost 4 years,i.e., 2017, and by now the object and purpose of the scheme would have been accomplished and the scheme wound up. In such event, the appellants/writ petitioners having been in the service continuously, should, in our considered view, be suitably paid lumpsum compensation.

12. With the above modification in the order of the learned single judge, both the Writ Appeals are disposed of. No costs. The connected miscellaneous petitions are closed.”

5. The petitioner was given with the lumpsum compensation of Rs.15,000/- and salary arrears of Rs.54,900/- However, the petitioner calculates the lumpsum compensation and arrears of salary of Rs.3,17,121/-



and sent a representation to the second respondent but no order has been passed so far. Aggrieved over the same, the petitioner has filed this Writ Petition.

6. The petitioner has given a calculation schedule by working out the wages payable to him as per the Standard Schedule of Rates for the relevant years issued by the Government of Tamil Nadu. Since the petitioner's wages has not been calculated on the said basis, the petitioner has filed this Writ Petition claiming the difference as stated by him. But the petitioner is not a daily wager, he has been appointed on a consolidated pay basis and he has worked out the arrears of salary on the basis of daily wage rates, which is not applicable to him.

7. Considering the services rendered by the petitioner in the Tsunami Disaster, I feel the respondents shall sanction a further lumpsum compensation of Rs.35,000/- and disburse the same to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order and this Writ Petition is **disposed** accordingly. No costs.



Speaking order / Non-speaking order

Neutral Citation : Yes / No

sri

To

1. The Principal Secretary to Government,
Animal Husbandry, Dairying & Fisheries (FS2) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Fisheries,
Tsunami Project Implementation Unit,
Nandanam,
Chennai - 600 035.



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R.N.MANJULA, J.

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