



W.P.No.9716 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.9716 of 2011

- 1.V.S.Shanmugam
- 2.M.Arumugam
- 3.T.A.Murugesan
- 4.G.Premachandiran
- 5.R.Muthusamy
- 6.D.Paulraj
- 7.A.Paulraj
- 8.P.K.Prabakaran
- 9.E.Dhandapani
- 10.M.Abdul Azis
- 11.C.Rajarathinam
- 12.S.Nanjappan

...Petitioners

(As per the order of this Court dated 11.11.2024, W.M.P.No.20358 of 2017 and W.M.P.No.44 of 2020 in W.P.No.9716 of 2011 have been withdrawn by the 9th petitioner)

Vs.

1.The Secretary to Government of Tamil Nadu,
High Ways Department,
Secretariat,
Chennai.

2.The Chief Engineer (General)
Highways Department,
Chepauk,
Chennai-5.



W.P.No.9716 of 2011

3.The Superintendent Engineer,
Highways Department,
Kovai Circle ,
Trichy Road,
Coimbatore-18.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the file of the 1st respondent relating to the impugned Notification made in Letter No.13874/HM-2/2009-2, dated 23.3.2010, quash the same and direct the respondents to give the service benefits to the petitioners as per the agreement recorded in the meeting held on 05.05.2000 within the stipulated period of 4 weeks.

For Petitioners : Mr.P.Saravana Sowmiyan
for P1 to P4, P8 and P12

Mr.M.Parthasarathy,
for P5, P6 P7, 10 and P11

For Respondents : Mr.S.Arumugam,
Government Advocate

ORDER

The claim of the petitioners in this Writ Petition is for the grant of Selection Grade and Special Grade, on completion of certain number of years in terms of the Agreement, that was said to have been arrived at between the employees in work charged establishment and the Government, and also for extending the benefits under G.O.Ms.No.51, dated 04.01.1977. The Ground



Nos.(b) to (e) would explain the contentions of the petitioners and the basis for their claims for the grant of Selection Grade and Special Grade. The said Paras

(b) to (e) are extracted hereunder:

“(b)It is submitted that about 292 employees including the petitioners were working in Highways Departments for long numbers of years. Except the petitioners, other 280 employees who are similarly placed were given selection orders and the agreement in the meeting held on 05.05.2000. The petitioners are also entitled for the same benefit.

(c)It is submitted that the Government issued in G.O.Ms.No.51, Finance Department, dated 14.01.1977 regularizing the service of the Government Employees who had completed 5 years of their service. Further, there was a bar on recruitment imposed in G.O. As per the G.O. the service of 280 employees referred above was regularized, when the ban order was in force they were promoted to higher post. Totally 292 employees including the petitioners were promoted to higher post, subsequently the Government issued G.O.Ms.No.390, Highways Department dated 12.09.1999 describing the irregular promotion and the service for regularized from 23.02.1987 instead of the year 1977.

(d)It is submitted that the NGGO Union made representation to the Government objecting their regularizing from the year 1987 in the meeting held in the prescience of the Minister sand other officials on 05.05.2000, it was agreed not to



W.P.No.9716 of 2011

recover the excess payment made to the retired employees and retiring employees and it was further agreed to extent the same benefits to the other employees who have not received the same the agreement was reduced into writing and the agreement was acted upon. As per the agreement 280 employees received the benefit except the petitioners.

(e)It is submitted that the petitioners' service was regularized after completing their 5 years service as stated above. So, the reasons given in the impugned order that the petitioners' service were regularized before completing 5 years of their service in the feeder category and they are entitled for selection Grade/Special Grade after completing 10/20 years service ins factually incorrect and discriminatory. The other employees numbering 280 were permitted to retire as selection grade employees with all service benefit. The petitioners are similarly placed and they are also entitled to the benefit given to the other employees.”

2.The said claim of the petitioners was directed to be considered by this Court by an order dated 04.08.2009 in W.P.No.15253 of 2009. It is pursuant to the said order passed by this Court, the impugned letter dated 23.03.2010 came to be issued, rejecting the claim of the petitioners.



W.P.No.9716 of 2011

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3.A perusal of the impugned letter dated 23.03.2020 does not disclose any consideration of the case of the petitioners on merits, but only stated about the legal position. In the absence of consideration and the claim of the petitioners and the individual claim by taking into consideration the facts of each individual and their service particulars, the impugned order cannot be said to be an order considering the claim of the petitioners as directed by this Court. Hence, the impugned letter dated 23.03.2010 cannot be sustained. This Court is also not in a position to adjudicate the matter on merits for want of furnishing the necessary particulars of each of the petitioner. Under the above circumstances, this Court is of the considered view that it is a fit case to be remitted back to the respondents for considering the claim of the petitioners afresh.

4.In the light of the above, the impugned letter dated 23.03.2010 is set aside and the matter is remitted back to the respondent No.1 for considering the claim of the petitioners afresh in accordance with Law. The petitioners are granted liberty to submit a fresh representation furnishing all the particulars in support of their case within a period of eight weeks from the date of receipt of a copy of this order, in case, if any of the petitioner makes individual claim the



W.P.No.9716 of 2011

same shall be considered by the respondent No.1 in accordance with Law within a further period of eight weeks from the date of submission of such representation by the petitioners.

Accordingly, this Writ Petition is disposed of. No costs.

11.11.2024

Index :Yes/No
Speaking order :Yes/No
Neutral citation :Yes/No
mps

To

1.The Secretary to Government of Tamil Nadu,
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Secretariat,
Chennai.

2.The Chief Engineer (General)
Highways Department,
Chepauk,
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W.P.No.9716 of 2011

MUMMINENI SUDHEER KUMAR, J.

mps

W.P.No.9716 of 2011

11.11.2024
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