



W.P.(MD)No.2759 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.2759 of 2021

V.Ramasamy

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Public Work Department,
Fort St.George,
Chennai-600 009.
- 2.The Engineer in Chief,
Water Resources Department and Chief Engineer (General),
Public Works Department,
Chennai.
- 3.The Chief Engineer,
PWD Buildings,
Madurai Region, Madurai.
- 4.The Superintending Engineer,
PWD Buildings (Construction and Maintenance) Circle,
Madurai.
- 5.The Executive Engineer,
Public Works Department,
Building (Construction and Maintenance) Division,
Dindigul.



W.P.(MD)No.2759 of 2021

6. The Assistant Executive Engineer,
Public Works Department,
(Building (Construction and Maintenance) Division,
Kodaikanal.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to grant the pay fixation and seniority w.e.f 31.12.2002 on completion of the 10 years of service and to pay the actual monetary benefit w.e.f the date of issue of G.O.334, Public Works (C2) Department, dated 19.10.2007 and enable the petitioner to make contribution to GPF pursuant to the proposal sent by the fifth respondent to the second respondent dated 10.10.2019

For Petitioner : Mr.M.Murugan

For Respondent : Mr.S.Kameswaran,
Government Advocate

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to grant the pay fixation and seniority for the petitioner with effect from 31.12.2002 on completion of ten years of service and to pay the actual monetary benefits with effect from the date of issuance of G.O.(Ms).No.334, Public Works Department, dated 19.10.2007 to enable the petitioner to make contribution to Gratuity Provident Fund pursuant to the proposal sent by the fifth respondent to the second respondent dated 10.10.2019.



W.P.(MD)No.2759 of 2021

2. Even though a positive direction is sought for in this Writ Petition, learned counsel appearing for the petitioner would submit that it would suffice the petitioner's representation seeking for the above mentioned relief is considered on merits and in accordance with law within a time frame to be fixed by this Court.

3. A counter affidavit has been filed by the respondents.

4. The proposal sent by the fifth respondent to the second respondent dated 10.10.2019 with regard to the petitioner's request as stated supra has not been denied in the counter affidavit. Admittedly, no final orders have been passed till date. No prejudice will be caused to the respondents if the petitioner's representation as stated supra is considered on merits and in accordance with law within a time frame to be fixed by this Court. Since the petitioner's representation is an old representation, he is directed to send a fresh representation to the respondents.

5. Accordingly, this Court directs the petitioner to submit a fresh representation to the fifth respondent to grant pay fixation and seniority with effect from 31.12.2002 on completion of ten years and to pay the actual



W.P.(MD)No.2759 of 2021

monetary benefits with effect from the date of issuance of G.O.(Ms).No.334, Public Works Department, dated 19.10.2007 to enable the petitioner to make contribution to the Gratuity Provident Fund pursuant to the proposal sent by the fifth respondent to the second respondent dated 10.10.2019 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the fifth respondent shall send the said representation, along with the proposal submitted by him to the second respondent dated 10.10.2019, to the first respondent, within a period of four weeks from the date of receipt of the representation from the petitioner and on receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law within a period of twelve weeks thereafter. No costs.

05.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

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Public Work Department,
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Chennai-600 009.



W.P.(MD)No.2759 of 2021

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- 5.The Executive Engineer,
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- 6.The Assistant Executive Engineer,
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W.P.(MD)No.2759 of 2021

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.2759 of 2021

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